



Montana Legislative History

Chapter: 195 Session L: 2005

Bill Number: 653 **House**

Checklist of Bill History

History and Final Status Sheet	x
Introduced Bill	X
Fiscal Note	N/A
Third Reading Bill	X
Final Version of Bill	X

House

Committee:
State
Administration

Hearing Date(s):

February 17, 2005

February 18, 2005
(Executive Action)

Senate

Committee:

Business, Labor and Economic Affairs

Hearing Date(s):

March 16, 2005

Conference Committee

Hearing Date(s): n/a

Conference Committee Report:

Compiler Notes

Compiled by:

Date:

Notes: Audio Minutes do not work for this bill.

Bill Draft Number: LC2281

Bill Type - Number: HB 653

Short Title: Limit certain claims for Montana guaranty fund

Primary Sponsor: Arlene Becker (D) HD 52

Chapter Number: 195

Bill Actions - Current Bill Progress: Became Law

Bill Action Count: 47

Action - Most Recent First	Date	Votes Yes	Votes No	Committee
Chapter Number Assigned	04/08/2005			
(H) Signed by Governor	04/08/2005			
(H) Transmitted to Governor	03/29/2005			
(S) Signed by President	03/29/2005			
(H) Signed by Speaker	03/24/2005			
(H) Returned from Enrolling	03/23/2005			
(C) Printed - New Version Available	03/22/2005			
(H) Sent to Enrolling	03/22/2005			
(S) Returned to House	03/21/2005			
(S) 3rd Reading Concurred	03/21/2005	49	1	
(S) Scheduled for 3rd Reading	03/21/2005			
(C) Printed - New Version Available	03/19/2005			
(S) 2nd Reading Concurred on Voice Vote	03/19/2005	50	0	
(S) Scheduled for 2nd Reading	03/19/2005			
(S) Scheduled for 2nd Reading	03/18/2005			
(S) Committee Report--Bill Concurred	03/17/2005			(S) Business, Labor, and Economic Affairs
(S) Committee Executive Action--Bill Concurred	03/17/2005	9	0	(S) Business, Labor, and Economic Affairs
(S) Hearing	03/16/2005			(S) Business, Labor, and Economic Affairs
(S) Referred to Committee	03/01/2005			(S) Business, Labor, and Economic Affairs
(S) First Reading	03/01/2005			
(H) Transmitted to Senate	02/22/2005			
(H) 3rd Reading Passed	02/22/2005	93	5	
(H) Scheduled for 3rd Reading	02/22/2005			
(H) 2nd Reading Passed	02/21/2005	88	7	
(H) Scheduled for 2nd Reading	02/21/2005			
(H) Committee Report--Bill Passed	02/18/2005			(H) State Administration
(H) Committee Executive Action--Bill Passed	02/18/2005	15	1	(H) State Administration
(H) Hearing	02/17/2005			(H) State Administration

(C) Introduced Bill Text Available Electronically	02/11/2005	
(H) Referred to Committee	02/11/2005	(H) State Administration
(H) First Reading	02/11/2005	
(H) Introduced	02/11/2005	
(C) Draft Delivered to Requester	02/10/2005	
(C) Draft Ready for Delivery	02/10/2005	
(C) Draft in Assembly/Executive Director Review	02/10/2005	
(C) Draft in Final Drafter Review	02/10/2005	
(C) Bill Draft Text Available Electronically	02/09/2005	
(C) Draft in Input/Proofing	02/09/2005	
(C) Draft to Drafter - Edit Review [SAB]	02/09/2005	
(C) Draft in Edit	02/09/2005	
(C) Draft in Legal Review	02/08/2005	
(C) Draft to Requester for Review	02/05/2005	
(C) Draft Taken Off Hold	02/05/2005	
(C) Draft On Hold	01/29/2005	
(C) Draft to Requester for Review	01/27/2005	
(C) Fiscal Note Probable	01/14/2005	
(C) Draft Request Received	01/14/2005	

Sponsor, etc.

Sponsor, etc.	Last Name/Organization	First Name Mi
Requester	Becker	Arlene
Drafter	Murdo	Pat
Primary Sponsor	Becker	Arlene

Subjects

Description	Revenue/Approp.	Vote Majority Req.	Subject Code
Insurance	Simple		INS

Additional Bill Information

Fiscal Note Probable: No
Preintroduction Required: N
Session Law Ch. Number: 195
DEADLINE
Category: General Bills
Transmittal Date: 03/01/2005

Section Effective Dates

Section(s)	Effective Date	Date Qualified
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All Sections	01-OCT-05	
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CHAPTER NO. 195

[HB 653]

AN ACT PROVIDING A TIME LIMITATION FOR FILING CERTAIN CLAIMS WITH THE MONTANA INSURANCE GUARANTY ASSOCIATION; AMENDING SECTION 33-10-105, MCA; AND PROVIDING AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 33-10-105, MCA, is amended to read:

"33-10-105. General powers and duties. (1) *The Subject to subsection (2), the association:*

(a) (i) is obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within 30 days after the determination of insolvency or before the policy expiration date if less than 30 days after the determination or before the insured replaces the policy or causes its cancellation if the insured does so within 30 days of the determination;

(ii) is obligated under subsection (1)(a)(i) only for that amount of each covered claim that is in excess of \$100 and is less than \$300,000, except that:

(A) the association shall pay an amount not exceeding \$10,000 per policy for a covered claim for the return of unearned premium; and

(B) the association shall pay the full amount of any covered claim arising out of a workers' compensation policy; and

(iii) is not obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises;

(b) is considered the insurer to the extent of its obligation on the covered claims and to that extent has all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(c) shall investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases, and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which the settlements, releases, and judgments may be properly contested;

(d) shall notify persons as the commissioner directs under 33-10-109(2)(a), *including the department of labor and industry for workers' compensation claims;*

(e) shall handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, but the designation may be declined by a member insurer.

(f) shall reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and shall pay the other expenses of the association authorized by this part.

(2) (a) *Except as provided in subsection (2)(b), a covered claim may not include a claim filed with the association or a liquidator for protection under the*

insured's policy for losses incurred but not reported and may not include a claim filed with the association after the earlier of:

- (i) 36 months after the date of the order of liquidation; or*
- (ii) the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer.*

(b) (i) If the claimant learns that the claimant's condition resulted from an occupational disease compensable under Title 39, chapter 72, within 36 months of the order of liquidation or the final date set by the court for the filing of claims against the liquidator, the claimant shall file a claim, which must be paid under the terms of subsection (1)(a). If the claimant does not learn of a compensable condition under Title 39, chapter 72, until after the time specified in either subsection (1)(a)(i) or (1)(a)(ii) has expired, the claimant shall file a claim with the association within 1 year from the date the claimant knew or should have known that the claimant's condition resulted from an occupational disease.

(ii) Notice by a claimant or insurer to the department of labor and industry of a workers' compensation claim pursuant to Title 39, chapter 71, or an occupational disease claim pursuant to Title 39, chapter 72, constitutes notice to the liquidator for the purposes of workers' compensation or occupational disease claims.

~~(2)~~(3) The association may:

(a) employ or retain persons ~~as are~~ necessary to handle claims and perform other duties of the association;

(b) borrow funds necessary to effect the purposes of this part in accord with the plan of operation;

(c) sue or be sued;

(d) negotiate and become a party to contracts ~~as are~~ necessary to carry out the purpose of this part;

(e) perform other acts ~~as are~~ necessary or proper to effectuate the purpose of this part;

(f) refund to the member insurers in proportion to the contribution of each member insurer to the association that amount by which the assets of the association exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities of the association as estimated by the board of directors for the coming year."

Section 2. Applicability. [This act] applies to all liquidations commenced on or after [the effective date of this act].

Approved April 8, 2005

CHAPTER NO. 196

[HB 660]

AN ACT REQUIRING A MINIMUM OF A 30-HOUR NOTIFICATION BY A CLERK OF THE SCHOOL DISTRICT TO COUNTY TREASURERS FOR CASH DEMANDS TO MEET WARRANTS IN EXCESS OF \$50,000; REQUIRING THE ASSESSMENT OF A FEE FOR SCHOOL DISTRICTS FAILING TO MEET THE NOTIFICATION DEADLINES; AND AMENDING SECTIONS 20-3-325 AND 20-9-212, MCA.

HOUSE BILL NO. 653

INTRODUCED BY BECKER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A TIME LIMITATION FOR FILING CERTAIN CLAIMS WITH THE MONTANA INSURANCE GUARANTY ASSOCIATION; AMENDING SECTION 33-10-105, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-10-105, MCA, is amended to read:

"33-10-105. General powers and duties. (1) The Subject to subsection (2), the association:

(a) (i) is obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within 30 days after the determination of insolvency or before the policy expiration date if less than 30 days after the determination or before the insured replaces the policy or causes its cancellation if the insured does so within 30 days of the determination;

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(A) the association shall pay an amount not exceeding \$10,000 per policy for a covered claim for the return of unearned premium; and

(B) the association shall pay the full amount of any covered claim arising out of a workers' compensation policy; and

(iii) is not obligated to a policyholder or claimant in an amount in excess of the obligation of the insolvent insurer under the policy from which the claim arises;

(b) is considered the insurer to the extent of its obligation on the covered claims and to that extent has all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(c) shall investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases, and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which the settlements, releases, and judgments may be properly contested;

(d) shall notify persons as the commissioner directs under 33-10-109(2)(a), including the department

1 of labor and industry for workers' compensation claims;

2 (e) shall handle claims through its employees or through one or more insurers or other persons
3 designated as servicing facilities. Designation of a servicing facility is subject to the approval of the
4 commissioner, but the designation may be declined by a member insurer.

5 (f) shall reimburse each servicing facility for obligations of the association paid by the facility and for
6 expenses incurred by the facility while handling claims on behalf of the association and shall pay the other
7 expenses of the association authorized by this part.

8 (2) (a) Except as provided in subsection (2)(b), a covered claim may not include a claim filed with the
9 association or a liquidator for protection under the insured's policy for losses incurred but not reported and may
10 not include a claim filed with the association after the earlier of:

11 (i) 36 months after the date of the order of liquidation; or

12 (ii) the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent
13 insurer.

14 (b) (i) If the claimant learns that the claimant's condition resulted from an occupational disease
15 compensable under Title 39, chapter 72, within 36 months of the order of liquidation or the final date set by the
16 court for the filing of claims against the liquidator, the claimant shall file a claim, which must be paid under the
17 terms of subsection (1)(a). If the claimant does not learn of a compensable condition under Title 39, chapter 72,
18 until after the time specified in either subsection (1)(a)(i) or (1)(a)(ii) has expired, the claimant shall file a claim
19 with the association within 1 year from the date the claimant knew or should have known that the claimant's
20 condition resulted from an occupational disease.

21 (ii) Notice by a claimant or insurer to the department of labor and industry of a workers' compensation
22 claim pursuant to Title 39, chapter 71, or an occupational disease claim pursuant to Title 39, chapter 72,
23 constitutes notice to the liquidator for the purposes of workers' compensation or occupational disease claims.

24 ~~(2)~~(3) The association may:

25 (a) employ or retain persons ~~as are~~ necessary to handle claims and perform other duties of the
26 association;

27 (b) borrow funds necessary to effect the purposes of this part in accord with the plan of operation;

28 (c) sue or be sued;

29 (d) negotiate and become a party to contracts ~~as are~~ necessary to carry out the purpose of this part;

30 (e) perform other acts ~~as are~~ necessary or proper to effectuate the purpose of this part;

(f) refund to the member insurers in proportion to the contribution of each member insurer to the association that amount by which the assets of the association exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities of the association as estimated by the board of directors for the coming year."

NEW SECTION. Section 2. Applicability. [This act] applies to all liquidations commenced on or after [the effective date of this act].

- END -

HOUSE BILL NO. 653
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(b) is considered the insurer to the extent of its obligation on the covered claims and to that extent has all rights, duties, and obligations of the insolvent insurer as if the insurer had not become insolvent;

(c) shall investigate claims brought against the association and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases, and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which the settlements, releases, and judgments may be properly contested;

(d) shall notify persons as the commissioner directs under 33-10-109(2)(a), including the department of labor and industry for workers' compensation claims;

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(b) borrow funds necessary to effect the purposes of this part in accord with the plan of operation;

(c) sue or be sued;

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year, the board of directors finds that the assets of the association exceed the liabilities of the association as estimated by the board of directors for the coming year."

NEW SECTION. **Section 2. Applicability.** [This act] applies to all liquidations commenced on or after [the effective date of this act].

- END -

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN LARRY JENT**, on February 17, 2005 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Larry Jent, Chairman (D)
Rep. Dee L. Brown, Vice Chairman (R)
Rep. Veronica Small-Eastman, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Robin Hamilton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Hal Jacobson (D)
Rep. William J. Jones (R)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)

Members Excused: None.

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Marion Mood, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 575, 2/11/2005; HB 616,
2/11/2005; HB 564, 2/11/2005; HB
653, 2/14/2005; HB 590, 2/11/2005;
HJ 31, 2/16/2005; HB 640, 2/11/2005
Executive Action: HB 575; HB 564; HB 263; HB 279; HB
373; HB 524; HB 570

CHAIRMAN JENT announced that due to deadlines and the number of bills yet to be heard, each bill would be allotted twenty minutes.

HEARING ON HB 575

Opening Statement by Sponsor:

REP. JIM KEANE (D), HD 75, opened the hearing on **HB 575**, Revise disposal of property by FWP. **REP. KEANE** requested that the Committee table HB 575.

EXECUTIVE ACTION ON HB 575

Motion/Vote: **REP. A. OLSON** moved that **HB 575 BE TABLED**. Motion carried unanimously by voice vote; **REP. DICKENSON** voted aye by proxy.

(**REP. JACOBSON** left at 8:10 A.M.)

HEARING ON HB 616

Opening Statement by Sponsor:

REP. JIM KEANE (D), HD 75, opened the hearing on **HB 616**, Require certain natural resource damage positions to be located in Butte. **REP. KEANE** reviewed the history of the Natural Resource Act with the Committee, contending that because of its mining industry, Butte was the backbone of Montana's economy from 1880 to 1990. When the pumps were shut off in 1983, millions of dollars worth of equipment was flooded; the Legislature used money out of the Coal Trust Fund and sued the Atlantic Richfield Company; part of the lawsuit was finally settled in 1999 for \$215 million, with the potential for another \$180 million. Part of the former settlement, namely the Upper Clark Fork Fund, is dedicated to the restoration of the Clark Fork River Basin; the remainder will be used to clean up contamination in Silver Bow Creek. The anticipated \$180 million will be used for clean-up in areas around Butte and Anaconda. His contention was that the jobs involved with this process should be based in Butte, not in Helena.

Proponents' Testimony:

Mark Staples, Attorney, self, contended that Butte has paid an enormous price in terms of environmental and health issues while the State reaped tax benefits from Butte's mining industry. He claimed Butte deserved to have the jobs needed to reverse the damage.

Ashleigh Franklin, Butte Central Catholic High School, submitted written testimony.

[EXHIBIT\(sth39a01\)](#)

Sean Dudley, Butte Central Catholic High School, provided a list of his classmates and written testimony.

[EXHIBIT\(sth39a02\)](#)

[EXHIBIT\(sth39a03\)](#)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 19.8}

Sarah Columbe, Butte Central Catholic High School, rose in support of HB 616.

Bill Melvill, self, stated he is a third-generation Butte resident whose grandfather, an Irish immigrant, worked at the mines and died of emphysema at the age of 38. **Mr. Melvill** has been involved with the Butte-Silver Bow County Commission and has dealt with this issue for a number of years. He lauded REP. KEANE and the High School Seniors for their efforts to bring the Damage Program Office to Butte.

Opponents' Testimony:

Jim Flynn, self, stated that even though his county suffered extensively due to the mining and smelting, he felt the Natural Resource Damage Program should stay in Helena because it was the seat of State government and all involved agencies and departments were located there. He commended the Program for taking the lead in coordinating efforts between various agencies, the university system, the Justice Department, the Legislature, and the Environmental Protection Agency (EPA). **Mr. Flynn** stressed that the restoration and remediation lay with the Department of Environmental Quality (DEQ) at the State level, and with the EPA at the Federal level, which required much interaction; therefore, relocating the office was not in the best interest of the State.

Chris Tweeten, Chief Legal Counsel, Department of Justice, reviewed the history of the lawsuit against the Atlantic Richfield Company (ARCO). He added the Natural Resource Damage Program was created and located in Helena for the purpose of conducting the litigation because before its inception, outside counsel had been retained at a great expense to the State. **Mr. Tweeten** stressed that all of the costs incurred up to the settlement were paid by ARCO as would be future expenses. After the settlement and the creation of the restoration fund, the Natural Resource Damage Program was transformed from a litigation program to a restoration program which created a process for the distribution of the funds for worthy restoration projects in the

Upper Clark Fork River Basin. He provided a graphic showing how these funds have been allocated thus far. **Mr. Tweeten** lauded the Program's efforts and described in glowing terms how the area would be restored, adding that all this activity had taken place due to a program located within State government.

[EXHIBIT\(sth39a04\)](#)

{Tape: 1; Side: B}

Matt Clifford, Conservation Director, Clark Fork Coalition, stated that his group has been involved with the Natural Resource Damage Program since its inception and was instrumental in getting some of the affected sites listed. He stressed that the Natural Resource Damage Suit was designed to remedy certain specific injuries to natural resources, and these injuries had occurred throughout the Upper Clark Fork River Basin. He stated that the Program has been impartial, and not influenced by local politics or perceptions, in determining where the funds should go; this process was greatly helped by being located in a neutral location, namely in Helena. He noted the suit was brought on behalf of the people of Montana and not on behalf of a specific location; it has provided economic benefits to the Butte area as the vast majority of the funds have been spent there. In closing, he pointed out that the representatives of the people of Montana in the lawsuit are located in Helena.

Questions from Committee Members and Responses:

REP. GARY MACLAREN, HD 89, VICTOR, asked the Sponsor why there was no fiscal note. **REP. KEANE** replied a fiscal note would be necessary should the bill pass; he did not know why none had been issued.

CHAIRMAN JENT interjected the fiscal note had not yet been printed.

Closing by Sponsor:

REP. KEANE closed, stating it was a mockery to have a program dealing with restoration in the Butte area located in Helena.

The following statements pertaining to HB 616 were provided at the end of all testimony.

[EXHIBIT\(sth39a05\)](#)

[EXHIBIT\(sth39a06\)](#)

(REP. A. OLSON left at 8:40 A.M.)

{Tape: 1; Side: B; Approx. Time Counter: 0 - 11.7}

HEARING ON HB 564

Opening Statement by Sponsor:

REP. JOHN WITT (R), HD 28, opened the hearing on **HB 564**, Provide for sale of Montana Agricultural Center & Museum of Northern Plains.

Proponents' Testimony:

Doug Monger, Department of Fish, Wildlife & Parks (FWP), submitted written testimony.

EXHIBIT(sth39a07)

Opponents' Testimony: None

Questions from Committee Members and Responses:

VICE CHAIR DEE BROWN, HD 3, HUNGRY HORSE, asked about the amount of the 1985 appropriation. **Mr. Monger** recalled it was in the \$250,000 range; half of it came from the general fund and the other half was state parks' funding. **VICE CHAIR BROWN** inquired about the maintenance cost to the taxpayer. **Mr. Monger** advised that the original legislation required that there be no future cost to the State which has been heeded. He added since it was State property, it was insured for liability and replacement cost through the Department of Administration; the River and Plains Society reimbursed the State for those costs.

VICE CHAIR BROWN ascertained that twenty years ago, the State paid \$250,000 for this property and was going to give it away now. **Mr. Monger** explained HB 564 provided for the sale of the property to a local government entity for less than full market value, adding a price had not been established as yet. **VICE CHAIR BROWN** inquired if the Department would be amenable to an amendment specifying a sales price. **Mr. Monger** advised he was not sure as price had not been discussed with the Museum's current operators. **VICE CHAIR BROWN** surmised that it could be sold for as little as \$1. **Mr. Monger** opined the intention was for a low-cost or no-cost transfer.

REP. BERNIE OLSON, HD 10, LAKESIDE, asked the Sponsor whether Choteau County would assess a mill levy in support of the museum. **REP. WITT** replied the City of Ft. Benton would bear the cost, adding many volunteers were involved in the fund-raising effort. **REP. B. OLSON** wondered if there was a chance that the county could be a partner in this venture. **REP. WITT** anticipated that the county would want to be involved. **REP. B. OLSON** inquired

whether the county would assess levies to help defray maintenance costs. **REP. WITT** advised the county would not.

CHAIRMAN LARRY JENT, HD 64, BOZEMAN, surmised that the intent was to have the property revert back to the Department if it was not used as intended, which **Mr. Monger** confirmed; he added the property could not sold for a profit, either. **CHAIRMAN JENT** noted that the fiscal note showed zero impact because Ft. Benton had been operating the Center for the past 20 years at no cost to the State.

REP. GORDON HENDRICK, HD 14, SUPERIOR, asked if there would be any loss of jobs. **Mr. Monger** advised there should be no visible change as the State has no involvement with the Museum other than advancing the insurance cost. **REP. HENDRICK** wondered if payment of the insurance would cease upon the property's transfer. **Mr. Monger** opined that an owner other than the State could obtain better insurance rates elsewhere. The insurance issue had actually precipitated the transfer request as it was believed that it would save the Society thousands in operating expenses.

REP. JOAN ANDERSEN, HD 59, FROMBERG, asked the Sponsor whether the River and Plains Society had incurred costs pertaining to the renovations needed to house the exhibits and displays. **REP. WITT** advised everything was done through volunteers and their fund-raising efforts. He described how they had turned an old manufacturing plant into the beautiful facility it was today. **REP. ANDERSEN** wondered how much money had gone into the project. **REP. WITT** estimated it to be several millions.

REP. WILLIAM JONES, HD 9, BIGFORK, was curious whether anything like this had been done before and whether there were plans for such projects in the future. **REP. WITT** could not speak to this issue. **REP. JONES** asked the same question of **Mr. Monger** who replied he was not aware of other similar projects. He added that FWP would grant federal dollars to local communities through its "grants and aids" programs for parks and recreation projects. He pointed to one similar piece of legislation that would allocate half a million dollars of general fund money to FWP for a museum in Malta.

VICE CHAIR BROWN asked if FWP could decide on their own to go out and purchase land for museums or heritage projects without the Legislature. **Mr. Monger** replied they could not, adding that all of their funding for operations, capital improvements, land acquisitions, or development came from appropriations through the Legislature. In addition, the Fish, Wildlife and Parks Commission must approve expenditures regarding land acquisition

or disposal; if more than 100 acres or more than \$100,000 in value were at issue, the State Land Board would have to approve the transaction as well.

Closing by Sponsor:

REP. WITT closed, adding that Ft. Benton would be host to some of the Lewis & Clark signature events this June and July.

{Tape: 2; Side: A}

(REP. JACOBSON returned at 9:10 A.M.)

HEARING ON HB 653

Opening Statement by Sponsor:

REP. ARLENE BECKER (D), HD 52, opened the hearing on **HB 653**, Limit certain claims for Montana guaranty fund. She reviewed the provisions of the bill, adding that workers' compensation claims covered by property and casualty insurance companies were exempt from the bill's provisions.

Proponents' Testimony:

Terry Hunt, Vice Chair, Montana Insurance Guarantee Association, explained the Association paid the claims for insurance companies who have become insolvent or have been liquidated by the courts. Its revenue comes from liquidation proceeds and from premium assessments on member companies, adding the more money was obtained through liquidation proceeds, the less would be charged to the member companies, which in turn would benefit Montana's policy holders as it would result in lower premiums. He explained that currently, there was no time limit on claims; the bar date in HB 653 would set a time limit, which would aid the Association in determining the extent of their exposure and liability during the early phases of a claim. The revenue obtained from the liquidator was based on the amount of exposure and liability faced by the Association; the earlier the Association knew what their share would be, that is, if claims were filed in a timely fashion, the higher the proceeds.

Larry Kibbee, Property Casualty Insurance Association of America, American Insurance Association, stated that the Associations' member companies are the ones who step in and make the guarantee for a company which has become insolvent. He contended there were not many industries which would come to the aid of one of their own. He advised that most claims coming into an insolvency, particularly those of large companies, will be known

at the time of the company's demise because they would be filed quickly to ensure they can be paid from the estate. Occupational disease claims, however, were not covered within the bar date in HB 653 because symptoms may not show up for years; these claims can be brought at anytime. Once the liquidation funds are exhausted, the Association steps in and covers any remaining claims. As an example, he cited Glacier General Insurance Company which went under about twelve years ago; the liquidation is now closed, and the remaining claims are being paid by a yearly assessment on every property/casualty insurer doing business in the State. He explained that some of the claims which were still being processed were workers' compensation claims which had been approved but were taking years to get paid off. The Montana Insurance Guarantee Association may assess up to \$20 million per year to pay off claims. HB 653, with its 36-month time limit, attempts to provide more certainty about the number of claims still pending and the cost involved.

Dwight Easton, Farmers Insurance Group, explained that after the date of insolvency, policy holders no longer have coverage; the claims referred to in prior testimony are those which have occurred prior to the insolvency. **Mr. Easton** advised that bar dates are already in place; they vary among the different markets but are predominantly set at three years, adding this bill was not breaking new ground but was a welcome tool for the industry.

Patrick Driscoll, Chief Legal Counsel, State Auditor's Office, advised that the State Auditor, John Morrison, appoints the members of the Guaranty Association and was in full support of this legislation as it provided a safety net for the State's policy holders.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 15.3}

Opponents' Testimony: None

Informational Testimony:

Keith Messmer, Chief, Workers' Compensation Regulation Bureau, Department of Labor and Industry, thanked the Sponsor for working with the Department in ironing out some of their concerns with language contained in HB 653 and stated he was available for questions.

Questions from Committee Members and Responses:

CHAIRMAN JENT referred to Title 33, Chapter 10, and ascertained that HB 653 established a 36-month statute of limitations for filing claims against an insurance company which is no longer in business. **Mr. Driscoll** corrected him, stating the trigger for

the guaranteed funds was the liquidation date. The State had built in an additional safety net so claims would be fully paid, and the claimant would not merely get pennies on the dollar as it happened with bankruptcies. **CHAIRMAN JENT** surmised that Title 33, Chapter 10, set up the fund, and the bill dealt with claims against the fund, not the liquidation administration process. **Mr. Driscoll** advised the claims were related as the Association itself had a claim against the liquidation estate and may get 50 cents on the dollar; for the claimant, though, it was a back-up as they made their claim directly to the Association.

REP. MACLAREN asked Mr. Easton to define the term "bar date."

Mr. Easton stated he would like to defer to someone with more legal expertise, and **CHAIRMAN JENT** advised it was the end date of the statute after which no more claims could be filed. **REP. MACLAREN** asked about the make-up of the Association and the location of their offices. **Mr. Easton** advised that while there were a number of associations within the State, his group was part of the Western State Association, the Montana Insurance Guaranty Association was made up of industry and non-industry members and watched over insolvencies which would affect people in the State.

Closing by Sponsor:

REP. BECKER closed, saying the bill resulted from collaborative efforts between the Auditor's Office and various insurance companies.

{Tape: 2; Side: A; Approx. Time Counter: 15.3 - 21.3; Comments: CHAIRMAN JENT announced a 10-minute break; the Committee reconvened at 9:35 A.M.; REP. DICKENSON did not return}

HEARING ON HB 590

Opening Statement by Sponsor:

REP. ROSALIE (ROSIE) BUZZAS (D), HD 93, opened the hearing on **HB 590**, Revise elector reactivation. She reviewed current law and added HB 590 would eliminate voter confusion, and clarify and standardize procedures used by election judges.

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk and Recorders, repeated current law, stating that HB 590 made it possible for an inactive voter to get back to the active list by participating in any election.

Linda Gryczan, League of Women Voters; and Montana Women Vote, read from written testimony, signed by Teresa Jacobs, Chair.

EXHIBIT(sth39a08)

Vickie Zeier, Missoula County Clerk and Recorder/Treasurer, stated her Association stood in support of the bill because after redistricting, a mass-mailing went to both active and inactive voters, notifying them about the changes in House and Senate Districts. This prompted inactive voters to try and vote in the first election after receipt of the document; they were turned away according to current law because it was a school election.

Brad Martin, Montana Democratic Party, stated he encouraged any measure that would increase voter participation and hoped for the Committee's full support of HB 590.

Elaine Graveley, Election Deputy, Secretary of State's Office, lauded the measure as it provided consistency.

Opponents' Testimony: None

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked how many states had laws such as this one. **Mr. Throssell** did not know, and deferred to **Ms. Graveley** who offered to provide this information.

{Tape: 2; Side: B}

Closing by Sponsor:

REP. BUZZAS closed, stating once voters had become disenfranchised, they tended not to come back as readily.

HEARING ON HJ 31

Opening Statement by Sponsor:

REP. JILL COHENOUR (D), HD 78, opened the hearing on **HJ 31**, Study implementation of legislative policy regarding state information technology. **REP. COHENOUR** stated the time was right to study the implementation of SB 131 from the 2001 Session which dealt with the Information Technology (IT) plan. She submitted and reviewed information pertaining to the biennial IT report, making special mention of the policies outlined on Page 41, Exhibit (9). **REP. COHENOUR** pointed to "Agency Operating Expenses" on Page 45 which show the IT percentage at 6.8% of the budget. The last handout shows a list of boards and councils associated with IT which were

set up as a result of SB 131. In closing, she added an amendment was being drafted to add SB 131 language into the Resolution to clarify its intent.

[EXHIBIT\(sth39a09\)](#)

[EXHIBIT\(sth39a10\)](#)

[EXHIBIT\(sth39a11\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

Jeff Brandt, Department of Administration, supplied written testimony.

[EXHIBIT\(sth39a12\)](#)

Tony Herbert, Montana Information Technology Alliance (MITA), explained the Alliance is a new trade association comprised of Montana-based IT companies who are already working with the State and are looking to expand to all agencies. He offered to answer any questions.

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked Mr. Brandt whether there had been any heartburn on the part of agencies when the IT positions were created as a result of SB 131. **Mr. Brandt** advised that traditionally, IT has been provided to assist in centralizing IT efforts on a statewide basis, and the IT staff is employed by the various agencies. With passage of SB 131, some of the statutory IT requirements were shifted to the Department of Administration, and this has been the topic of many discussions and debates in other agencies.

REP. ALAN OLSON, HD 45, ROUNDUP, inquired whether the IT Services Division had a stand-alone budget, which **Mr. Brandt** confirmed.

REP. A. OLSON held that a large portion of said budget was buried in the other agencies' budgets. **Mr. Brandt** replied this was correct as agencies had to budget for the rates charged by the IT Division, based on estimated usage. **REP. A. OLSON** stated he would like to see the charges which now are buried in various agencies' budgets be identified and be a part of the Division's budget coming before the Appropriation's Committee; he requested Mr. Brandt to include this in the study. **Mr. Brandt** agreed and added that their budget was the sum of all charges to be incurred by the agencies. **REP. A. OLSON** repeated his suggestion, saying it would clearly show what was actually spent on IT.

VICE CHAIR BROWN surmised this information could be provided quickly, which **Mr. Brandt** confirmed, adding he would obtain it for the Committee.

Closing by Sponsor:

REP. COHENOUR closed, adding the questions were representative of the bill's intent, namely to monitor the progress and establish oversight over IT expenditures.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 18.6}

HEARING ON HB 640

Opening Statement by Sponsor:

REP. HAL JACOBSON (D), HD 82, opened the hearing on **HB 640**, Revise requirements for state IT contracts. **REP. JACOBSON** stated HB 640 recognized the importance of IT companies and provided incentives for IT work contracted by the State to be completed by Montana-based companies. The purpose of the bill was to encourage IT companies to locate in Montana, to provide growth in this sector of Montana's economy, and for these companies to perform the work needed for State IT contracts whenever possible. He proceeded to review the provisions of HB 640 with the Committee.

Proponents' Testimony:

Glen Gromley, President, MITA, stated the Alliance was formed for the sole purpose of encouraging and fostering the IT community in Montana as it was an important part of the State's economy: it is environmentally clean, pays good wages, represents a highly educated workforce, and its products are highly exportable. **Mr. Herbert** stated HB 640 created an inventory where businesses would self-register; out-of-state companies will have access to information about these companies and it is anticipated that new partnerships will be forged for the good of Montana's economy. In closing, he touched on a few more of the bill's provisions, adding it was a step in the right direction.

Dana Glatz, President, WESCO, stated that WESCO was a systems integration company which had been based in Helena since 1978. He explained how his company was instrumental in devising FWP's Automated Licensing System, which was made possible because of the Department's insistence on local bidders. Subsequently, the company became a nationally recognized expert in FWP systems with national and international contracts.

{Tape: 3; Side: A}

Mr. Glatz agreed that Information Technology was an area where the State could have a significant impact on economic development.

Bonnie Lorang, Montana Independent Telecom Systems (MITS), gave a brief history of the association, which was made up of rural telephone companies, stating its members provided high quality telecommunication and information technology services. Rural companies were the first to introduce fiber-optics, DSL and Broadband in the State. **Ms. Lorang** contended they were successful because of collaboration and partnerships with other companies and pointed to VisionNet which is providing internet services to the entire State.

Donna Cain, Bearing Point, stated Bearing Point, a MITA member, was a global company which has provided IT and business consulting services to State agencies for the past seven years and looked forward to providing continued expert IT solutions to Montana.

Ryan Wiser, President, PAX MIT Solutions, Missoula, stated HB 640 was a fair bill which provided economic opportunity to the State as well as in-state and out-of-state IT companies.

Tony Herbert, MITA, stood in support of HB 640.

Opponents' Testimony:

Jeff Brandt, Department of Administration, provided written testimony.

[**EXHIBIT**](#)(sth39a13)

Janet Kelly, Department of Administration, recounted Governor Schweitzer's commitment to fostering and promoting economic development. She commended REP. JACOBSON for promoting economic development through HB 640 but voiced concern with some of the technical aspects as outlined by Mr. Brandt. As an alternative to HB 640, she suggested the formation of a partnership between the agency and legislators interested in promoting Montana businesses.

Informational Testimony:

Aidan Myhre, FAST Enterprises, submitted an article from the Louisiana Department of Revenue. She stated that FAST's motto is to locate their employees in the community.

[**EXHIBIT**](#)(sth39a14)

Questions from Committee Members and Responses:

Due to time constraints, **CHAIRMAN JENT** asked the Sponsor to close.

Closing by Sponsor:

REP. JACOBSON referred to the costly fiasco which arose from the POINTS System the State had purchased, adding there had been no accountability. He stated his objection to the fiscal note resulting from Section 3 (2) of the bill. He agreed with the Department's prerogative to charge a fee for administering the inventory but felt this could be dealt with between the companies. **REP. JACOBSON** added that other agencies were already required to have a Montana residency component when contracts are awarded. In closing, he repeated this bill provided economic opportunity and accountability.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 18.3}

EXECUTIVE ACTION ON HB 564

Motion: **REP. ANDERSEN** moved that HB 564 DO PASS.

Discussion:

REP. ANDERSEN noted that the building was in a dilapidated state when it was purchased by FWP, and the people of Ft. Benton had stepped up and transformed it into the wonderful museum it is today. She referred to the provision that it could not be sold for a profit, and when it ceased to be used in the designated manner, it would revert back to the Department.

CHAIRMAN JENT stated, while he had not visited the museum, he had been impressed by the volunteer work done to spruce up the town's historic district in preparation for the Lewis & Clark events.

REP. A. OLSON echoed his remarks.

Vote: Motion carried unanimously by voice vote; **REPS. DICKINSON** and **CAFERRO** voted aye by proxy.

EXECUTIVE ACTION ON HB 590

VICE CHAIR BROWN reminded the Chairman that she wanted to wait for information to be provided by Elaine Graveley before executive action. **CHAIRMAN JENT** agreed to postpone the vote.

REP. BERNIE OLSON, HD 10, LAKESIDE, had not been present for the hearing and asked whether HB 590 allowed for same day registration, which **CHAIRMAN JENT** denied.

{Tape: 3; Side: A; Approx. Time Counter: 18.3 - 24.8}

EXECUTIVE ACTION ON HB 263

VICE CHAIR BROWN asked to reconsider HB 263 which had been tabled in Committee two weeks prior.

Motion/Vote: **REP. BROWN** moved to RECONSIDER ACTION on HB 263 and take it off the table. Motion carried 10-4 by voice vote with **REP. EATON, REP. HAMILTON, REP. HENRY, and REP. SMALL-EASTMAN** voting no.

Motion: **VICE CHAIR BROWN** moved that HB 263 DO PASS.

Discussion:

VICE CHAIR BROWN reminded the Committee this bill provided for a uniform complaint form; it had been assumed it dealt with just one agency, namely the Department of Health and Human Services, and should be solved by said agency. She added that conversations with the Sponsor revealed it was to provide uniform complaint forms for boards to ensure that complaints were actually heard and dealt with. She contended this was important as boards had the propensity to bury or lose complaints.

Sheri Heffelfinger, Legislative Services Division, reminded the Committee that the bill had two amendments which were adopted; therefore, the bill was being considered for a do pass as amended.

Motion: **CHAIRMAN JENT** restated the motion that HB 263 DO PASS AS AMENDED.

Discussion:

REP. MACLAREN asked **VICE CHAIR BROWN** where complaint forms could be obtained and where they should be filed. **VICE CHAIR BROWN** advised that under this bill, he would be sent a generic form which would apply to any board.

REP. ANDERSEN wondered how the fact that uniform complaint forms had to be made available would prevent complaints from being buried. **VICE CHAIR BROWN** that it would be in statute and people would be able to rely on being heard. **REP. ANDERSEN** felt that Committee members could count on having constituents approach

them with their complaints rather than going to the boards because of past frustrating experiences.

{Tape: 3; Side: B}

VICE CHAIR BROWN added laws are made for the people who do not follow the rules and not for those who do.

Vote: Motion that HB 263 DO PASS AS AMENDED carried 9-7 by roll call vote with REP. EATON, REP. HAMILTON, REP. HENRY, REP. JACOBSON, and REP. SMALL-EASTMAN voting no; REPS. DICKINSON and CAFERRO voted no by proxy. (HB 263 held in Committee until 2/18/05.)

(REP. CAFERRO returned.)

EXECUTIVE ACTION ON HB 279

Motion: REP. BROWN moved that HB 279 DO PASS.

Motion: REP. HENDRICK moved that AMENDMENT HB027901.ash BE ADOPTED.

EXHIBIT(sth39a15)

Discussion:

Ms. Heffelfinger explained that by striking "public officers," the bill would affect legislators only. She proceeded to review the balance of the amendments.

Vote: Motion carried unanimously by voice vote; REP. DICKENSON voted aye by proxy.

Motion: REP. OLSON moved that HB 279 DO PASS AS AMENDED.

Discussion:

REP. B. OLSON felt this bill was not necessary as he had not seen any such abuse.

CHAIRMAN JENT agreed, saying this might be a solution looking for a problem.

VICE CHAIR BROWN disagreed, explaining that the issue of ethics was a priority for Governor Schweitzer, and she believed it was a good idea to put this in statute.

REP. HENDRICK concurred.

REP. TERESA HENRY, HD 96, MISSOULA, believed **REP. WAGMAN** introduced this bill because of his own situation as a city firefighter, and she did not think it was a solution looking for a problem; being a State employee herself, she felt the bill was needed.

REP. A. OLSON advised that he worked for the Department of Natural Resources and Conservation (DNRC) and was taking a leave of absence. He added that he did not see a problem with the bill, though, adding that it clarified a recurring issue.

REP. HENDRICK told of constituents believing that he was being paid by the State as a legislator and also in his job at the High School which was not the case. He added this was public perception, though, and felt HB 279 was addressing this issue.

CHAIRMAN JENT asked Ms. Heffelfinger to summarize the bill as amended. **Mr. Heffelfinger** explained that by striking "public officers," the bill revised the prohibition for dual compensation for legislators only. This meant they could not be compensated from two separate but overlapping public employment positions; in other words, they cannot "double-dip." The exceptions in statute do remain for other public employees and public officers.

REP. B. OLSON wondered how this would affect people under collective bargaining agreements, such as substitute teachers.

REP. ROBIN HAMILTON, HD 92, MISSOULA, advised that teachers who were also legislators had varying agreements with their school districts. No one, though, received their full teacher's pay and the legislative salary.

VICE CHAIR BROWN stated that **REP. WAGMAN's** concern and reason for the bill was the issue whether he was an employee of the State in his capacity as a legislator, or whether he could perform his regular job as a city employee. Since he could not perform his job as a firefighter, he was not employed by the City of Livingston, and neither were the teachers in the Legislature.

VICE CHAIR VERONICA SMALL-EASTMAN, HD 42, LODGE GRASS, stated many teachers still kept in contact with their schools and submitted lesson plans and the like; their bargaining agreements would specify how to handle this situation.

REP. HENDRICK asked whether she was implying that she was receiving pay as a teacher while serving in the Legislature.

VICE CHAIR SMALL-EASTMAN advised she was on a sabbatical without pay, even though she still did her lesson plans for the

substitute teacher. **REP. HENDRICK** stated this should be considered "volunteer work" and had nothing to do with HB 279.

REP. HENRY stated that she, too, had responded to curriculum questions in her free time, without being compensated, but in her opinion, this also did not address the ethical issue brought up by **REP. WAGMAN**.

CHAIRMAN JENT asked to discuss the issue of collective bargaining agreements and how it was affected by this bill. He asked whether **Ms. Heffelfinger** could elaborate. **Ms. Heffelfinger** advised that she had perused the bill to see if it contained a savings clause, explaining that if a bill could affect a contract, a savings or an applicability clause was added which would stipulate that only future contracts would be affected. She was not familiar with collective bargaining contracts, whether or not they would state the employee could simply take a leave of absence. She opined these contracts would come into effect when the employee did not take actual leave.

{Tape: 3; Side: B; Approx. Time Counter: 0 - 16.3}

REP. B. OLSON recounted that one of the teacher/legislators who continued to receive her teacher's pay gave that amount as compensation to her substitute; he stated this was a bargaining agreement.

REP. A. OLSON wondered if a clause could be added which would exempt current negotiated agreements and have the restrictions apply to all future contracts. **Ms. Heffelfinger** advised this would be adding savings and applicability clauses to the bill. She explained that a savings clause states that contracts cannot be encumbered or changed; the applicability clause specifies that it apply to future contracts.

REP. A. OLSON advised, with regard to dealing with contracts, the Legislature had mandated that school districts go to binding arbitration.

CHAIRMAN JENT advised he would allow a conceptual amendment because of the time constraints.

REP. B. OLSON suggested polling Committee members to see if there was support for the bill before voting on an amendment, adding he would vote against the bill regardless. **CHAIRMAN JENT** was not inclined to do so, stating proper procedure should be followed and asked that the amendment be moved.

REP. A. OLSON opined that the votes were not there, even with the conceptual amendment.

Substitute Motion/Vote: REP. EATON made a substitute motion that HB 279 BE TABLED. Substitute motion carried 10-6 by roll call vote with REP. ANDERSEN, REP. BROWN, REP. HENDRICK, REP. JONES, REP. MACLAREN, and REP. OLSON voting no; REP. DICKENSON voted aye by proxy.

EXECUTIVE ACTION ON HB 373

Motion: REP. BROWN moved that HB 373 DO PASS.

Discussion:

CHAIRMAN JENT advised he had been asked by REP. HARRIS to postpone executive action on this bill because he disagreed with the fiscal note and wanted to wait until the Sponsor's fiscal note had been printed. He explained that a Sponsor's fiscal note served to rebut the yellow one issued by the Budget Office, and proceeded to review the bill for the Committee.

VICE CHAIR BROWN agreed that the Sponsor had a good point; however, every time a bill required there would have to be a commission, it made her queasy as she envisioned all of the agencies coming in, wanting to add FTE's to go through their codes and such. Therefore, she would vote against the bill.

CHAIRMAN JENT agreed it was a good idea, adding sometimes one had to spend money to save money; he stated he would vote for the bill as it might make the Legislature's job easier if someone could examine all of the Montana Code.

REP. EMELIE EATON, HD 58, LAUREL, stated the bill specified the Board should consist of two House and two Senate members as well as one member from the general public, adding this would preclude agencies from asking for additional personnel.

REP. A. OLSON did not agree with the fiscal note as there was travel and compensation involved; moreover, several agencies were not even mentioned; he did not see how \$52,000 would cover expenses.

CHAIRMAN JENT stated the question was whether only the people listed on the Sponsor's fiscal note would be involved in the manner stated; the Legislative Services and the Legislative Audit Divisions would be primarily impacted by this bill.

Vote: Motion failed 8-8 by roll call vote with REP. CAFERRO, REP. EATON, REP. HAMILTON, REP. HENRY, REP. JACOBSON, REP. JENT,

and REP. SMALL-EASTMAN voting aye; REP. DICKENSON voted aye by proxy.

{Tape: 4; Side: A}

EXECUTIVE ACTION ON HB 524

Motion: REP. BROWN moved that HB 524 DO PASS.

Motion/Vote: REP. A. OLSON moved that AMENDMENT HB052401.ash BE ADOPTED. Motion carried unanimously by voice vote; REP. DICKENSON voted aye by proxy.

EXHIBIT(sth39a16)

Motion: REP. A. OLSON moved that HB 524 DO PASS AS AMENDED.

Discussion:

CHAIRMAN JENT explained that each party picked two people to serve on the redistricting committee and if they cannot agree on the fifth member, he or she will be appointed by the Supreme Court.

REP. JONES wondered how one would know if a prospective member was a member of a political party.

CHAIRMAN JENT advised he saw two constitutional problems with this bill; one of them dealt with the right of association, and the second was how much the Supreme Court may be restricted in its appointment of the fifth commissioner. He stated that in the past, the Legislature had appointed the fifth member which was changed by the adoption of the Montana Constitution in 1972; now, the Legislature is only allowed to make recommendations. He commented that he would vote against the bill.

REP. A. OLSON stated similar sideboards had been put on the Commissioner of Political Practices, and he would support the bill as amended.

REP. BRUCE MALCOLM, HD 61, EMIGRANT, referred to his notes which said this may not be constitutional. **CHAIRMAN JENT** agreed for the reasons he had touched on.

Vote: Motion that HB 524 DO PASS AS AMENDED failed 7-9 by roll call vote with REP. ANDERSEN, REP. BROWN, REP. HENDRICK, REP. JONES, REP. MACLAREN, REP. A. OLSON, and REP. B. OLSON voting aye; REP. DICKENSON voted no by proxy.

Substitute Motion: REP. HENDRICK moved that HB 524 BE TABLED AND THE VOTE REVERSED. Without objection, it was so ordered.

EXECUTIVE ACTION ON HB 570

Motion: REP. HENDRICK moved that HB 570 DO PASS.

Discussion:

REP. B. OLSON asked for an explanation of the bill.

Ms. Heffelfinger advised that if a state employee was regularly scheduled to work an alternative schedule of more than eight hours, and they had to work on a holiday, they would get paid the actual hours worked, not the traditional eight.

(REP. DICKENSON returned at 11:20 A.M.)

REP. MALCOLM stated the contention had been that workers would receive 20% more under this bill but in reality, they did not. If one works four seven-hour days, he would have a four in seven chance of hitting a holiday; and with twelve-hour shifts, the chances of getting a holiday were at 50%. He felt that in the end, all would come out even; the bill was merely a fairness bill, and he felt if someone worked on a holiday, they should be compensated for the actual hours worked.

REP. JONES disagreed, contending that senior staff gets to choose holiday work and they do, which would do away with the calculation of percentages.

REP. MALCOLM replied these were policy decisions which did not have anything to do with the bill. The fact that some could "work" the system should not kill the bill.

REP. HENRY remarked that a Full Time Equivalent (FTE) worked 2080 hours; if someone worked a twelve-hour holiday shift, they would be eligible to bank those twelve hours for future time off.

VICE CHAIR BROWN contended that full-time State employees made choices with regard to their schedules, whether they worked four ten-hour shifts or holidays and felt a bill like this should not be supported.

REP. EATON disagreed, saying many people work these schedules to accommodate their employers, such as in a hospital setting; they should not be punished for it.

REP. HENRY stated that it worked both ways, adding alternative schedules were sometimes negotiated to mitigate lower pay scales.

VICE CHAIR SMALL-EASTMAN added that law enforcement officers should be considered as well, as they cover all holidays.

REP. MACLAREN referred to the fiscal note and asked if "significant local government impact" was amended out of the bill.

CHAIRMAN JENT advised the operative part of the bill was a "full-time State employee," meaning it could not have any other impact.

VICE CHAIR BROWN was curious why this was in the fiscal note when it had no meaning.

Ms. Heffelfinger referred to Lines 24 and 25, where it stated "appropriate administrative officer under 2-18-604," and stated there was a technical inconsistency in the bill as drafted as this section applied to local government. She agreed with the Chairman, though, that the bill specified "State employees."

For the purpose of providing clarification, **CHAIRMAN JENT** read Chapter 2-18-604 aloud, stating the inconsistency in the bill was a drafting error.

REP. MACLAREN was not clear on compensation of holiday hours, and **Ms. Heffelfinger** repeated that under current law, employees working a 10- or 12-hour shift would be compensated for eight; upon passage of this bill, though, compensation would reflect actual hours worked.

VICE CHAIR BROWN stated she would feel better about the whole concept if the fiscal note said that it was included in the executive budget, rather than having the \$250,000 come out of the general fund.

CHAIRMAN JENT advised, while he supported fairness for public employees, he would vote against the bill because it purported to address State employees but made reference to a statute including local government employees, and he was not in favor of sending the bill to the House floor with the idea of adding amendments which had not been presented to Committee. He agreed with **VICE CHAIR BROWN** about the trade-offs. His main concern was Section 1 (c) which could lead to litigation.

Vote: Motion failed 6-10 by roll call vote with **REP. CAFERRO, REP. DICKENSON, REP. EATON, REP. HENRY, REP. JACOBSON, and REP. SMALL-EASTMAN** voting aye; **REP. ANDERSEN** voted no by proxy.

Motion: REP. HENDRICK moved that HB 570 BE TABLED AND THE VOTE REVERSED. Without objection, it was so ordered by CHAIRMAN JENT.

ADJOURNMENT

Adjournment: 11:40 A.M.

REP. LARRY JENT, Chairman

MARION MOOD, Secretary

LJ/mm

Additional Exhibits:

EXHIBIT ([sth39aad0.PDF](#))



HOUSE STANDING COMMITTEE REPORT

February 17, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 564** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 16, No 0.

391201SC.hkh
2/17/05
jbw

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 279, HB 524, HB 570, HB 575, by motion, on Thursday, February 17, 2005.

(For the Committee)

jbr
(Chief Clerk of the House)

12:00 *2/17*
(Time) (Date)

February 17, 2005

Marion A. Mood, Secretary

Phone: 444-1864

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-17-05 BILL NO 43 263 MOTION NO. 1

MOTION: OPAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO		✓ p	
REP. SUE DICKINSON		✓ p	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. HAL JACOBSON		✓	
REP. WILLIAM JONES	✓		
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN	✓		

9 : 7

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-7-05 BILL NO HB 279 MOTION NO. 2

MOTION: table

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON		✓	
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN	✓		

10 6

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-17-05 BILL NO 373 MOTION NO. 3
 MOTION: DP

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓		
REP. SUE DICKINSON	✓ DP		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN	✓		

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HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-17-05 BILL NO 40524 MOTION NO. 4
 MOTION: PPAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO	Ⓢ	✓	
REP. SUE DICKINSON		✓ p	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. HAL JACOBSON		✓	
REP. WILLIAM JONES	✓		
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON	✓		
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN		✓	

7 9

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-17-05 BILL NO 48570 MOTION NO. 5

MOTION: PP

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓ P	
REP. MARY CAFERRO	✓		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

6 : 10

COMMITTEE PROXY

DATE: 2-17-05

I request to be excused from the State Administration

Committee because of other commitments. I desire to leave my proxy vote with:

Veronica Small-Eastman

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 575 to table	X	
HB 564	X	
HB 540		X
HB 263 AA		X
HB 279 Amendment	X	
HB 279 AA-Table	X	X
HB 373	X	
HB 52401.ash	X	
HB 524 AA		X
HB 570		

SENATE BILL/AMENDMENT AYE NO

Rep./Sen.

Sue Dickinson
(Signature)

COMMITTEE PROXY

DATE: 2-17-05

I request to be excused from the State of Administration

Committee because of other commitments. I desire to leave my proxy vote with:

Veronica Small-Eastman

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 564	X	
HB 590		X
HB 263 AA		X

SENATE BILL/AMENDMENT AYE NO

Rep/Sen. Mary M. Cafaro
(Signature)

COMMITTEE PROXY

DATE: 2-17-05

I request to be excused from the State Admin

Committee because of other commitments. I desire to leave my proxy vote with:

Dee Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 570		X

SENATE BILL/AMENDMENT AYE NO

Rep./Sen. Joan Anderson
(Signature)

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date 12/17/05

Bill No. 590 Sponsor(s) Rep Buzzus

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Robert Throssell	MT Assoc. Check Rec	✓		
Tony Herber 2	MITA	HB640		
Cathy Haag	MITA	HB640		
Donna Cain	Bearing Point	HB640		
Ray Leeds	MITA	HB640		
David Clark	MITA	HB640		
Adan Myhre	Fast Enterprises	HB640		✓

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/StateAdminVisitorReg.sample2003

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

HB 564-575-590-616

Date 2-17-05

Bill No. 640-644 Sponsor(s) _____
HJ 31

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Vickie Zeier Missoula MT	Missoula Co	590		
Duane Winslow Yellowstone MT	Yellowstone Co	590 ✓		
Dana Glatz	WESLO	640		
Bonnie Lorange	MT Indep Telecom Systems	640		
Ron Ostberg	MTS	HJ 31 640		
Clare Stanley	ISA	216 590		
Margulise Lannack	AIA	HB 652		
Ann Hilleu	PCT	HB 653		
Brod Mautro	MT Democratic Party	HB 590		
Terry Hunt	MT Guarantee Ass	HB 653		
Doug MONGER	FWP	HB 564		
Becky Dolkter	FWP			
Jim FLYNN	SELF	HB 616		
Matt Clifford	Clean Form Coalition	HB 616	✓	
Keith Messmer	Labor & Industry Dept			HB 653
Bill Melvill	Butte Silver Bz	HB 616		✓
Jeff Branst	Butte Silver			

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/StateAdminVisitorReg.sample2003

Doc Admin

HB 640

HJ 31

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date 2-17-05

Bill No. HB 616 Sponsor(s) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
JOHN Stewart ¹⁸³⁰ CS	616 BSB	✓		
Brian Sandford	Butte Silver Bow	✓		
John Koul	Butte Silver Bow	✓		
Matt Crowe	Butte Silver Bow	6/6		
Sam Peters	Butte Silver Bow	✓		
Kandice Horswill ³²⁰¹ Floral	Butte Silver Bow	✓		
Katie Doherty ²⁹⁰⁰ Treene	Butte Silver Bow	✓		
Hunter Wyatt	Butte Silver Bow	✓		
Robert Wheeler	Butte Silver Bow	✓		
Sarah Crain	Butte Silver Bow	✓		
Godi Hagan	Butte Silver Bow	✓		
Anna Vandave	Butte Silver Bow	✓		
Jordan Kammer	Butte Silver Bow	✓		
Kira Miller	BSB	✓		
Ryan Hitchcock	BSB	✓		
Brian Mann	Butte Silver Bow	✓		
Jordan Fine	Butte Silver Bow	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/StateAdminVisitorReg.sample2003

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date 2-17-05

Bill No. HB 616 Sponsor(s) _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Kate Shoup 4641 E. Lake	Butte Silver Bow	✓		
Stephanie Drizoth 3200 Lake Drive	Butte Silver Bow	✓		
Sean Sudey	616 - BSB	✓		
Kim Thompson 2810 Wharton	616 - BSB	✓		
Sam LaFont	616 - BSB	✓		
Ashleigh Franklin	616 - BSB	✓		
Aaron Delaney	616 - BSB	✓		
James Peterson	616 - BSB	✓		
Chris Curry	616 - BSB	✓		
Mauralynna	616 - BSB			
JANET KELLY	DOA - HB 640		✓	
Dwight Easton	Farmers Ins Gp	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

/s/StateAdminVisitorReg.sample2003

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN LARRY JENT**, on February 18, 2005 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Larry Jent, Chairman (D)
Rep. Dee L. Brown, Vice Chairman (R)
Rep. Veronica Small-Eastman, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Robin Hamilton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Hal Jacobson (D)
Rep. William J. Jones (R)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)
Rep. Bernie Olson (R)

Members Excused: Rep. Alan Olson (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Marion Mood, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 706, 2/14/2005;
HB 712, 2/16/2005;
HB 655, 2/14/2005;
HB 601, 2/11/2005;
HB 558, 2/8/2005; HB 691, 2/14/2005

Executive Action: HB 712; HB 691; HB 558; HB 706;
HB 655; HB 601; HB 640; HJ 31;
HB 263; HB 653; HB 649; HB 644;
HB 590; HB 616; HB 241

Due to time constraints, **CHAIRMAN JENT** allowed ten minutes for this bill.

HEARING ON HB 706

Opening Statement by Sponsor:

REP. DAVE MCALPIN (D), HD 94, opened the hearing on **HB 706**, Establish Governor's tobacco-free awards. **REP. MCALPIN** reviewed the bill's provisions with the Committee.

Proponents' Testimony:

Jim Ahrens, Chairman, Alliance for a Healthy Montana, rose in support of HB 706.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. WILLIAM JONES, HD 9, BIGFORK, referred to the workplace award and asked whether there would be any workplaces left which would allow smoking, after adjournment of the Legislature. **REP. MCALPIN** replied that he hoped not.

REP. SUE DICKENSON, HD 25, GREAT FALLS, congratulated the Sponsor for bringing this bill. She wondered whether there had been input from other groups and asked how it would benefit Montana's citizens. **REP. MCALPIN** stated he had a few groups and associations who had been supportive and suggested to memorialize certain individuals with the awards which he had declined, favoring a more generic approach.

REP. BERNIE OLSON, HD 10, LAKESIDE, suggested the Governor could do this with a law, which **REP. MACALPIN** affirmed.

Closing by Sponsor:

REP. MACALPIN closed.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8}

HEARING ON HB 712

The allotted time for HB 712 was fifteen minutes.

Opening Statement by Sponsor:

REP. RALPH HEINERT (R), HD 1, opened the hearing on **HB 712**, Require voter registration applications at fishing and hunting license locations. **REP. HEINERT** reviewed the bill with the Committee, adding the Secretary of State's Office would provide the cards at no cost to participating vendors; he stated the goal was to increase voter participation. He added HB 712 was supported by the Montana Shooting Sports Association and the National Rifle Association.

Proponents' Testimony:

Mark Simonich, Secretary of State's Office, submitted copies of letters by the above mentioned associations. He repeated the bill required vendors who are license agents to also make available voter registration cards and stressed HB 712 provided flexibility and discretion in terms of how vendors make them available. He advised there were no penalties involved and pointed out the section of law being amended required that agencies providing State funded social services also provide voter registration cards. He named numerous other locations where these cards are available, adding was simply an attempt to simplify and encourage voter participation among outdoor enthusiasts. In closing, he recounted that a similar bill failed in a previous session because it required the vendor to attend training sessions and mail the completed cards; this bill required neither.

EXHIBIT (sth40a01)

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. DICKENSON asked Mr. Simonich about the logistics of getting the cards to the licensed agents. **Mr. Simonich** replied that the Department of Fish, Wildlife and Parks (FWP) would supply the Secretary of State's Office with a list of licensed agents, and the cards would then be mailed to them; restocking would occur upon request, and the customers were responsible for turning the cards in to their local court house. **REP. DICKENSON** asked about postage expense, and **Mr. Simonich** stated there would be some expense but certainly no more than the normal expense of distributing voter registration cards to entities around the State.

(REP. ANDERSEN left at 8:15 A.M.)

REP. EMELIE EATON, HD 58, LAUREL, ascertained that the Secretary's office mailed out registration cards. **Mr. Simonich** replied they distributed the cards by mail and/or hand-delivery. **REP. EATON** wondered whether distribution could be achieved without this bill. **Mr. Simonich** advised the goal was for a cost-effective way of making voter registration available for the citizens and stated the expense of voter education campaigns and mass-mailings were much higher, particularly if the recipients were not on any registration list.

Closing by Sponsor:

REP. HEINERT closed.

{Tape: 1; Side: A; Approx. Time Counter: 8 - 19.8}

(The Committee stood at ease while waiting for the next sponsor.)

HEARING ON HB 655

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 655**, Local commission to review fish and wildlife actions. **REP. MAEDJE** stated the crux of the bill was contained in Section 2, stating that oftentimes, FWP would consult with the Forest Service and request a road be closed; people affected by the closure would not be notified. **REP. MAEDJE** reviewed the requirements for the commission's members and added the commission would greatly facilitate communication.

{Tape: 1; Side: B}

Proponents' Testimony: None

Opponents' Testimony:

Robert Lane, Chief Legal Counsel, FWP, provided written testimony.

EXHIBIT(sth40a02)

Robert Throssell, Montana Wildlife Federation, stated the Federation opposed this legislation; while it attempted to open the lines of communication, the creation of these local commissions added an unnecessary layer of bureaucracy. He was concerned that the incentive to serve on the commission would create a conflict of interest.

Questions from Committee Members and Responses:

REP. B. OLSON pointed out that FWP's Region 1 covered a number of counties and asked the Sponsor why this bill addressed only one.

REP. MAEDJE replied road closures sometimes affected several counties and it was up to the respective county commissioners to request public input. **REP. B. OLSON** referred to regular meetings between FWP and citizen advisory groups, asking whether this was not sufficient. **REP. MAEDJE** countered that the commission provided for in the bill would have the authority to deal with FWP in a more tangible way.

REP. GARY MACLAREN, HD 89, VICTOR, asked the Sponsor whether the County Board of Supervisors could fulfill this role. **REP. MAEDJE** replied the Board did not have the authority to tell FWP not to close certain roads. He was aware of the fact that some roads were being closed for maintenance or wildlife habitat issues, saying FWP should provide those explanations rather than just doing it.

Closing by Sponsor:

REP. MAEDJE closed, suggesting to strike "private property rights or" on Page 3, Line 14, in order to alleviate FWP's concerns.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 9.5}

HEARING ON HB 601**Opening Statement by Sponsor:**

REP. PAUL CLARK (D), HD 13, opened the hearing on **HB 601**, Revise FWP Commission membership & districts. **REP. CLARK** provided several handouts which illustrated the reasons for the bill. He pointed out that there were five commission districts and seven administrative regions. Since FWP issues have become more complex, the bill is asking for seven commissioners and for redistricting commission districts to match administrative districts, keeping in mind that the Western regions are more heavily populated. This would simplify the commission's work and facilitate the commissioners' jobs.

[EXHIBIT\(sth40a03\)](#)

[EXHIBIT\(sth40a04\)](#)

[EXHIBIT\(sth40a05\)](#)

[EXHIBIT\(sth40a06\)](#)

[EXHIBIT\(sth40a07\)](#)

Proponents' Testimony:

Robert Throssell, Montana Wildlife Federation, favored the idea of aligning representation on the Board with the populations and areas of interest around the State, adding current districts were too large and difficult to administer. **Mr. Throssell** advised these provisions would increase expenses and assured the Committee that the sportsmen who buy licenses were willing to bear the expense in exchange for better representation.

(REP. ANDERSON returned at 8:50 A.M.)

Opponents' Testimony:

John Bloomquist, Montana Stockgrowers Association, advised the Committee of his Association's policy which required that all legislation which would restructure the Commission was closely monitored to ensure equal representation and consideration of sportsmen's and landowners' interests. **Mr. Bloomquist** stated the redistricting was less of an issue than the increase of the number of members and the potential dilution of landowners' representation. He advised that much of Eastern Montana was private land and provided a great deal of harvest opportunities for sportsmen. He referred to Section 1 (2) and offered a proposal which would add someone owning private agricultural land in order to offer balance and representation of landowners' interest.

Informational Testimony:

Jean Johnson, Montana Outfitters and Guides Association, stated her Association has opposed changes in the commission over the last few legislative sessions. She agreed with previous testimony with regard to landowners and added that tourism should be represented as well. The commissioners regulate, monitor and manage fish, wildlife and parks in Montana which is the draw for tourism. She felt this request was not unreasonable.

{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 24.5}

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked the Sponsor to share with the Committee information about the make-up of the commission and how they were appointed. **REP. CLARK** advised commissioners were appointed by the Governor, in staggered terms. The qualifications are as follows: one has to be experienced in the breeding and management of domestic livestock; all others are required to be experienced, informed and interested in the issues of Fish, Wildlife and

Parks, outdoor recreation, the requirements for the conservation and protection of such resources.

REP. HAL JACOBSON, HD 82, HELENA, asked the Sponsor whether he was familiar with the numerical make-up of surrounding states' commissions. **REP. CLARK** asked to defer to Robert Lane as he did not know. **Mr. Lane** promised to obtain this information within two hours for executive action on HB 601.

REP. B. OLSON asked the Sponsor whether he would allow two members with domestic livestock experience. **REP. CLARK** replied he did not have a position on this. He believed, since the requirements were so flexible, that the commission would take on the character of the Governor's Office. He was certain there was a broad array of people with different interests who would have input fitting into the livestock category.

{Tape: 2; Side: A}

REP. B. OLSON was not satisfied with the answer. He asked if it was possible to add two members with livestock experience in order to alleviate the concerns of the Stockgrowers. **REP. CLARK** stated his concern with this proposal was that it identified a single category within the entire State, adding there were many other interests, such as multi-national corporations, the environmental community or the tourism industry, which were not included and could feel left out. He stated he would leave the composition up to the Committee.

CHAIRMAN JENT advised that starting today, he would not allow any more conceptual amendments.

Closing by Sponsor:

REP. CLARK closed, stating it was not the purpose of the bill to include representation for special interest groups, and he would resist specific amendments on the House floor.

(**CHAIRMAN JENT** announced a ten-minute break; the Committee reconvened at 9:15 A.M.; **REPS. SMALL-EASTMAN** and **CAFERRO** did not return.)

{Tape: 2; Side: A; Approx. Time Counter: 0 - 3.6}

HEARING ON HB 558

Opening Statement by Sponsor:

REP. DENNIS HIMMELBERGER (R), HD 47, opened the hearing on **HB 558**, Constitutional Amendment -- run-off non-Federal general

election to get majority winner. **REP. HIMMELBERGER** reviewed the bill with the Committee, saying it offered a constitutional amendment to ensure that elected officers were representative of their districts and it applied to all non-Federal elections. He recounted that in one of the legislative races in the last election, a legislator with 37% of the vote was declared the winner; this bill would eliminate this type of situation. He believed the bill was good policy as it ensured that public officers reflected the views, opinions and values of the majority of the people they sought to represent.

Proponents' Testimony:

Mark Simonich, Secretary of State's Office, stated the bill was requested by the Secretary of State and lauded the Sponsor for his explanation of the bill's concept. He stated the example given by **REP. HIMMELBERGER** was not an isolated incident in either the last election or previous ones.

Opponents' Testimony:

Bob Ream, Chairman, Democratic Party, cautioned that historically, fewer people participated in run-off elections, and it was conceivable that candidates would receive even fewer votes the second time around. In addition, he objected to the additional cost for a run-off election.

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked the Sponsor whether the run-off election would include new voter registrations or only those electors previously qualified. **REP. HIMMELBERGER** asked to defer to **Mr. Simonich** who advised that currently, voters have to re-register by a certain deadline before the election; if this continued to be the case, the Clerks and Recorders would have to cut off registration at a certain date. He noted there was pending legislation which would provide for registration right up until election day, and if both bills passed, his answer would be different. **VICE CHAIR BROWN** stated therein lay her question; she asked whether to add language to this bill which would qualify this issue so that there was no doubt. Her concern was that there could be artificial delays after the initial election to give new voters a chance to register. **Mr. Simonich** advised his office welcomed any measure which would deal with this issue in the most effective manner, adding various stipulations could be added into the bill. **VICE CHAIR BROWN** ascertained the bill as written did not contain any such language, which **Mr. Simonich** confirmed.

VICE CHAIR BROWN asked whether this whole issue would be put on the ballot as an Initiative. **Mr. Simonich** advised it would be a Referendum as it dealt with a Constitutional Amendment, adding this was spelled out in Section 2 of the bill.

REP. JONES expressed concern that this might include lesser elections, such as conservation district elections. **REP. HIMMELBERGER** stated the bill did include all elections; he would not be opposed if the Committee saw fit to exclude lesser elections.

REP. JONES wondered if the Secretary of State's Office would also count results in primary elections when candidates were victorious with less than a majority vote. **Mr. Simonich** stated his office had mainly looked at the general elections as it determined who would ultimately represent the people. **REP. JONES** asked whether the bill included primaries, which **Mr. Simonich** denied, adding that it did include all municipal elections. Realizing how costly this might become, his office would not object to amending the bill to make it specific to county commissioner races or higher.

CHAIRMAN JENT hypothesized there would be a run-off election for the Secretary of State's position; since elections were held in November and the winner was sworn in January, he asked when and how a run-off election would be held. **Mr. Simonich** advised it would be between election day and the first Monday in January when he would normally be sworn in. He added the bill did not specify how the run-off election would be held; it could be done by mail ballot which would have a single race on it. **CHAIRMAN JENT** wondered if the candidates would be expected to campaign again before the run-off election. **Mr. Simonich** replied, while they are not required to do so, he would anticipate they would make every effort to be victorious.

REP. B. OLSON inquired what would happen if the run-off election produced a tie. **REP. HIMMELBERGER** did not have an answer. **REP. B. OLSON** pointed out there was no fiscal note but assumed there was some cost involved. **REP. HIMMELBERGER** replied there was no fiscal note because the impact would vary depending on whether it involved local or statewide races.

Closing by Sponsor:

REP. HIMMELBERGER addressed the cost concern, stating it could easily be done through mail ballot. He reminded the Committee that a vote for the bill would merely give the people of Montana

an avenue to pursue as the current system was not all that efficient.

{Tape: 2; Side: A; Approx. Time Counter: 3.6 - 23.8}

EXECUTIVE ACTION ON HB 712

Motion: REP. HENDRICK moved that HB 712 DO PASS.

Discussion:

VICE CHAIR BROWN had not been not present during the hearing and was concerned that every small vendor of hunting and fishing licenses now had to allow for space to display voter registration cards.

REP. TERESA HENRY, HD 96, MISSOULA, stated it was her understanding that vendors would receive the cards in the mail, and the National Rifle Association (NRA) and the Shooting Sports Association would do the advertising.

REP. B. OLSON reminded the Committee of REP. EATON's question whether this could be done without this law. CHAIRMAN JENT said that it could.

REP. EATON stated registration cards were currently available at various places, including health care facilities, and she did not see a need for this bill as NRA could supply cards to vendors if they so desired.

REP. JONES pointed out that clinics were required by law to provide voter registration cards; this would just duplicate things.

Vote: Motion carried 12-4 by roll call vote with REP. DICKENSON and REP. EATON voting no; REP. CAFERRO and REP. SMALL-EASTMAN voted no by proxy, and REP. A. OLSON voted aye by proxy.

{Tape: 2; Side: A; Approx. Time Counter: 23.8 - 29.7}

HEARING ON HB 691

Opening Statement by Sponsor:

REP. SCOTT SALES (R), HD 68, opened the hearing on HB 691, Revise term limits. While he generally favored term limits, he brought this bill because of concerns with the significant decrease in the amount of institutional knowledge in the Legislature. REP. SALES proceeded to review the provisions of the bill. He

expressed hope that this compromise would satisfy voters on either side of the issue.

{Tape: 2; Side: B}

Proponents' Testimony:

Bob Ream, self, agreed with the Sponsor, stating he had served on the House Taxation Committee as a legislator and it had taken him three or four sessions to really get comfortable with taxation laws. He was concerned with the lifetime limitation proposed in HB 691 as there were several young legislators whose political careers would be cut short. **Mr. Ream** opined term limits should be decided at the ballot box.

Opponents' Testimony: None

Questions from Committee Members and Responses:

VICE CHAIR BROWN asked the Sponsor how he would respond to Mr. Ream's concern about the limitations placed on young legislators.

REP. SALES replied that we live in an imperfect world; the institutional knowledge was sorely needed and he felt this was the only chance to change term limit laws. **REP. SALES** added that people's ability to serve was not greatly impaired by HB 691 as a very small number of legislators served for more than sixteen years. He also pointed out that people can serve the State in other capacities, such as in statewide offices.

REP. JONES asked how many times this issue had been put before the voters. **REP. SALES** replied it had been at least twice. **REP. JONES** wondered about the voters' reaction to it. **REP. SALES** stated that voters have demonstrated repeatedly that they like the concept of term limits.

REP. MACLAREN asked the Sponsor if someone would be term-limited after serving fourteen years in the House of Representatives.

REP. SALES advised he could serve two more years in the Senate, but would have to be replaced by the county commissioners at mid-term.

Closing by Sponsor:

REP. SALES closed.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 8.7}

EXECUTIVE ACTION ON HB 691

Motion: REP. BROWN moved that HB 691 DO PASS.

Discussion:

REP. JONES stated he would oppose this bill because it left many questions unanswered but, more importantly, the voters had rejected this issue over and over; he was concerned that they would resent the Legislature for bringing it before them again and might feel it would be brought back time and again until it passed.

VICE CHAIR BROWN advised she would vote for the bill but would like to see the wording on Page 2 changed to facilitate voter understanding. She felt strongly that the change would be a positive statement for term limits because the lack of institutional knowledge was significant.

REP. JOAN ANDERSEN, HD 59, FROMBERG, recalled the advantage of having longtime legislators there to help her in her freshman year and added institutional knowledge was also helpful with regard to bills which would re-appear session after session. She agreed this bill would be a positive.

VICE CHAIR BROWN agreed, citing the extreme number of bills introduced this Session alone. She contended this would not have happened if the memory had not lapsed.

REP. DICKENSON agreed with the memory issue as well but stated she would not vote for the bill because of the lifetime limitation. She cited REP. DAN VILLA's situation, saying he might want to serve again after having raised his family. She also agreed with REP. JONES' statement about voter resentment.

REP. B. OLSON stated he thought introducing term limits had been a terrible mistake but agreed with REP. JONES that voters would not go back and undo the law, saying he would not vote for the bill, either.

REP. MACLAREN stated he respected REPS. JONES and B. OLSON's comments as well as the people's wishes last November, but had an obligation to his constituents to tell them about the huge loss of institutional memory. **REP. MACLAREN** contended it was right to keep putting it on the ballot.

REP. A. OLSON recalled that only six legislators were termed out last session but 37 freshmen were serving now. He submitted that

a 30% turnover was normal, adding he had not decided yet which way to vote.

REP. BRUCE MALCOLM, HD 61, EMIGRANT, advised he would vote for HB 691, citing there were seven freshman on this Committee, and as a sophomore himself, he was not ready to lead. Due to the loss of institutional memory, he felt that agencies and lobbyists were "running the show."

Vote: Motion failed 8-8 by roll call vote with **REP. ANDERSEN, REP. BROWN, REP. HENDRICK, REP. JACOBSON, REP. JENT, REP. MACLAREN, REP. MALCOLM, and REP. A. OLSON** voting aye; **REP. CAFERRO** voted no by proxy.

{Tape: 2; Side: B; Approx. Time Counter: 8.7 - 20}

EXECUTIVE ACTION ON HB 558

Motion: **REP. B. OLSON** moved that HB 558 DO PASS.

Discussion:

CHAIRMAN JENT asked Sheri Heffelfinger, Legislative Services Division, to explain the Legislature's authority regarding constitutional amendments. **Ms. Heffelfinger** advised that the Legislature was prohibited from adding statutory changes through constitutional amendments. Therefore, the amendment had to be presented to the voters first; upon its passage, a second bill would have to be written, specifying the desired changes.

REP. B. OLSON felt the bill was poorly researched and written, and he would not vote for it.

REP. JONES advised he would vote against the bill as well because it could set up problems as follows: assuming there were six contested ballots in a race, waiting for a ruling from the Supreme Court which would not come until late in December; the run-off election could not be done in time before the winner would have to be sworn in. He agreed this was not well-thought out.

CHAIRMAN JENT agreed with **REP. JONES** and advised the reason for his earlier question arose from a friend's situation who had won 49% of the vote in the primary election. Most Southern states have run-off elections for primaries but they are held in November which severely limits the time left before the swearing-in.

Vote: Motion failed 4-12 by roll call vote with REP. BROWN, REP. HENDRICK, REP. MACLAREN, and REP. A. OLSON voting aye; REP. CAFERRO voted no by proxy.

Substitute Motion: REP. B. OLSON moved that HB 558 BE TABLED AND THE VOTE REVERSED. Motion carried.

{Tape: 2; Side: B; Approx. Time Counter: 20 - 26.3; Comments:
REP. A. OLSON left at 10:10 A.M.}

EXECUTIVE ACTION ON HB 706

Motion: REP. HENDRICK moved that HB 706 DO PASS.

Discussion:

VICE CHAIR BROWN wondered whether the Governor could implement this without the bill, which CHAIRMAN JENT confirmed.

REP. HENDRICK felt the Legislature should demonstrate to the public that they were in support of no-smoking legislation, especially since it was uncertain which of the related bills would pass.

REP. MALCOLM agreed that the Governor could do this without HB 706.

Vote: Motion failed 6-10 by roll call vote with REP. DICKENSON, REP. HENDRICK, REP. HENRY, REP. JACOBSON, and REP. SMALL-EASTMAN voting aye; REP. CAFERRO voted aye by proxy, and REP. A. OLSON voted no by proxy.

Substitute Motion: REP. B. OLSON moved that HB 706 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 655

Motion: VICE CHAIR BROWN moved that HB 655 DO PASS.

Discussion:

REP. JACOBSON recognized REP. MAEDJE for his hard work on behalf of his constituents. He felt that these were situations where legislators could step in and help as he himself had done on numerous occasions. He opined the problem addressed in the bill could be achieved through legislator intervention.

{Tape: 3; Side: A}

VICE CHAIR BROWN stated her first priority was to pass bills which would affect all of Montana, adding she would not support this one.

Vote: Motion failed 3-13 by voice vote with **REP. HENDRICK** and **REP. JONES** voting aye; **REP. A. OLSON** voted aye by proxy; **REP. CAFERRO** voted no by proxy.

Motion: **REP. B. OLSON** moved that HB 655 BE TABLED AND THE VOTE REVERSED. Motion carried.

EXECUTIVE ACTION ON HB 601

Motion: **VICE CHAIR BROWN** moved that HB 601 DO PASS.

Discussion:

CHAIRMAN JENT advised that personnel in regional offices were relatively easy to work with. He added because of the prohibitive size of the current districts, it made sense to increase their number from five to seven and tie them to regional headquarters. He did anticipate floor amendments with regard to the commission's membership make-up. He favored passing the bill out of Committee so it could be debated in the House.

VICE CHAIR BROWN argued that had this been a true priority, the bill number would be much lower; additionally, it did not address representation from the landowner and tourism communities and in her opinion, floor amendments were a poor way to go. She added she might vote for the bill if it was re-worked.

REP. MALCOLM stated he did not see any urgency to pass it this Session; if the problem was critical, it should be rewritten and presented again next session. He advised he would vote against it.

REP. HENRY voiced her support for the bill because it made sense to have maps match.

Vote: Motion carried 10-6 by roll call vote with **REP. ANDERSEN**, **REP. BROWN**, **REP. JONES**, **REP. MACLAREN**, and **REP. MALCOLM** voting no; **REP. A. OLSON** voted no by proxy, and **REP. CAFERRO** voted aye by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 6.2}

EXECUTIVE ACTION ON HB 640

Motion: **VICE CHAIR BROWN** moved that HB 640 DO PASS.

Discussion:

REP. JACOBSON reminded the Committee that there was no accountability when the POINTS System was purchased from an out-of-state company. He added that the follow-up was extensive and quite costly as consultants had to be hired deal with its problems; a Montana presence, as provided for in HB 640, would have helped. **REP. JACOBSON** pointed to the issue of retaliation which had come up during the hearing and stated that MITA members, who would be the victims of retaliation, were the strongest supporters of the bill.

VICE CHAIR BROWN concurred with the Sponsor as it was a positive statement to Montana businesses and added she would support the bill.

REP. HENRY agreed it was a worthwhile bill.

Vote: Motion carried unanimously by voice vote; REPS. A. OLSON and CAFERRO voted aye by proxy.

{Tape: 3; Side: A; Approx. Time Counter: 6.2 - 11.2; REP. JACOBSON left}

EXECUTIVE ACTION ON HJ 31

Motion: REP. BROWN moved that HJ 31 DO PASS.

Motion: REP. BROWN moved that AMENDMENT HJ003101.alm BE ADOPTED. [EXHIBIT](#)(sth40a08)

Discussion:

Ms. Heffelfinger stated that with the amendment, the Committee would be required to evaluate the role of advisory groups implementing SB 131.

REP. JONES asked whether this study resolution would be assigned automatically. **CHAIRMAN JENT** said it would not; after passage, a list of all resolutions would be handed out to be ranked by the legislators.

REP. ANDERSEN clarified this would only apply to resolutions requiring action by an interim committee, not those involving the congressional delegation.

Vote: Motion carried unanimously by voice vote; REPS. CAFERRO, JACOBSON and A. OLSON voted aye by proxy.

Motion: VICE CHAIR BROWN moved that HJ 31 DO PASS AS AMENDED.

Discussion:

VICE CHAIR BROWN stated she would not vote for the bill because agencies resented Information Technology oversight when it was instituted as they had been in charge of the IT programs before; she thought it was unnecessary to study the issue again.

Vote: Motion failed 8-8 by roll call vote with REP. DICKENSON, REP. EATON, REP. HAMILTON, REP. HENRY, and REP. JENT voting aye; REPS. CAFERRO and JACOBSON voted aye by proxy.

CONTINUED EXECUTIVE ACTION ON HB 263

Motion: VICE CHAIR BROWN moved that HB 263 BE RECONSIDERED.
Motion carried unanimously; REP. A. OLSON voted aye by proxy.

(The previously introduced a conceptual amendment contained a technical error, therefore the motion to reconsider. HB 263 as amended was first passed out of Committee on February 17, 2003. Ms. Heffelfinger advised that both previous amendments had to be stripped off the bill before action could be renewed.)

Motion/Vote: VICE CHAIR BROWN moved that HB 263 DO PASS AND BOTH PREVIOUS AMENDMENTS BE STRIPPED OFF THE BILL. Motion carried.

Motion: VICE CHAIR BROWN moved that AMENDMENT HB026302.alm BE ADOPTED.

EXHIBIT(sth40a09)

Discussion:

VICE CHAIR BROWN restated the bill's purpose and advised this amendment was the correct amendment.

Vote: Motion carried unanimously by voice vote; REPS. A. OLSON, CAFERRO, and JACOBSON voted aye by proxy.

Motion: VICE CHAIR BROWN moved that HB 263 DO PASS AS AMENDED.

Discussion:

As requested by the Chairman, VICE CHAIR BROWN explained the bill to the Committee in more detail.

REP. EATON asked when the discovery was made that the amendment was in error as nothing in her notes indicated it. CHAIRMAN JENT

advised that he had not signed the Standing Committee Report because Ms. Heffelfinger had discovered the error after the Committee vote; the technical error consisted of a lack of coordinating language.

VICE CHAIR BROWN stated, as Ms. Heffelfinger had been so busy, she was not expected to check an amendment to a bill she thought would not pass out of Committee. When it did, she was obligated to check it over to make sure everything was in order.

REP. HENRY advised that the vote had taken place during REP. EATON's absence the day before; her vote had been "no."

REP. DICKENSON asked why the bill had been taken off the table and for the reason behind the Public Service Commission (PSC) clause as she had not been at the hearing, either.

Ms. Heffelfinger explained that during the original hearing, the Department of Administration had offered an amendment as a way to avoid potential conflicts with agencies who already had a complaint process in place, and the Committee had adopted it. The PSC issue came about because the bill exempted the PSC from the complaint process concerning their regulatory duties and hearings. She had drafted the amendment, and both were adopted prior to the tabling motion. Subsequently, the bill was taken off the table, without her realizing anything needed to be done. After the bill was passed as amended, she noticed that the retroactively, she asked the Chairman not to sign it and to have the Committee reconsider its actions.

{Tape: 3; Side: B}

(REPS. CAFERRO and JACOBSON returned at 10:45 A.M.)

Vote: Motion carried 12-4 by roll call vote with REP. DICKENSON, REP. EATON, REP. HENRY, and REP. B. OLSON voting no; REP. A. OLSON and REP. CAFERRO voted aye by proxy.

EXECUTIVE ACTION ON HB 653

Motion: REP. EATON moved that HB 653 DO PASS.

Discussion:

CHAIRMAN JENT reviewed the bill.

REP. ANDERSEN added there was an important clause in the bill that stipulated workers' compensation claims were exempt from the three-year statute of limitations.

VICE CHAIR BROWN stated the importance of the time limits for the insurance industry, adding she appreciated the exemption clause and would vote for the bill.

CHAIRMAN JENT stated his support for the bill because it would streamline procedures; a three-year time limit was standard with regard to personal injury actions in Montana.

REP. HENDRICK wondered who would protect people who were diagnosed late with catastrophic illnesses, such as those incurred in Libby. **CHAIRMAN JENT** advised this bill dealt with claims against the fund which steps in for defunct insurance companies only. **REP. HENDRICK** withdrew his question.

Vote: Motion carried 15-1 by voice vote with **REP. A. OLSON** voting no by proxy.

EXECUTIVE ACTION ON HB 649

Motion: **VICE CHAIR BROWN** moved that HB 649 DO PASS.

Motion: **VICE CHAIR BROWN** moved that AMENDMENT HB064901.ash BE ADOPTED.

EXHIBIT(sth40a10)

Discussion:

Upon **CHAIRMAN JENT's** request, **Ms. Heffelfinger** explained the amendments.

VICE CHAIR BROWN held that the problem had arisen because the Association was not paying their taxes; she wondered who was accountable to whom and asked **Ms. Heffelfinger** to explain. **Ms. Heffelfinger** advised that, at the Sponsor's request, she had stricken the developer's responsibility. She referred to the developer's letter in which he indicated he did not want to be subject to HB 649 with the argument that as soon as the development was done and the sale final, he was out of the picture because the payment responsibilities then fell to the Timeshare Association which, in this case, defaulted on the payments. She added it was difficult to determine who should be watching the Association.

VICE CHAIR BROWN felt that therein lay the problem: owners must be responsible for some things; if an Association was to default, it was not likely that timeshare holders would be notified. She felt bad for the plaintiffs but held out hope that a bill could be brought that would better address this problem.

Substitute Motion/Vote: VICE CHAIR BROWN made a substitute motion that HB 649 BE TABLED. Substitute motion carried 13-3 by voice vote with REP. HAMILTON, REP. HENRY, and REP. JONES voting no; REP. A. OLSON voted aye by proxy.
{Tape: 3; Side: B; Approx. Time Counter: 0 - 14.7}

EXECUTIVE ACTION ON HB 644

Motion: VICE CHAIR BROWN moved that HB 644 DO PASS.

Discussion:

VICE CHAIR BROWN stated REPS. LANGE and PARKER had identified a valid problem which should be worked out by the involved cities , adding she would not vote for the bill.

CHAIRMAN JENT listed all of the opponents to the bill and agreed it could be worked out locally. He added the term "airport police officer" was not defined well in this bill, which could pose a problem.

Substitute Motion/Vote: REP. EATON made a substitute motion that HB 644 BE TABLED. Substitute motion carried; REP. A. OLSON voted aye by proxy.

EXECUTIVE ACTION ON HB 590

Motion: REP. BROWN moved that HB 590 DO PASS.

Discussion:

Ms. Heffelfinger reminded the Committee of REP. BROWN's question about the practice in other states and stated Elaine Graveley polled surrounding states by email; she received about fifteen responses of which one hundred percent were affirmative.

VICE CHAIR BROWN noted this meant that one-third of the states had this type of re-activation in statute.

Vote: Motion carried unanimously by voice vote; REPS. CAFERRO and A. OLSON voted aye by proxy.

EXECUTIVE ACTION ON HB 616

Motion: REP. BROWN moved that HB 616 DO PASS.

Discussion:

VICE CHAIR SMALL-EASTMAN reminded the Chairman that the letter from the Confederated Salish and Kootenai Tribes should be entered into the record.

EXHIBIT(sth40a11)

CHAIRMAN JENT advised it was in opposition to HB 616, and summarized the first paragraph.

VICE CHAIR BROWN recapped that the bill's goal was to have the office dealing with reclamation and restoration located in Butte; the Upper Clark Fork issue was a separate issue.

REP. MACLAREN agreed, saying the work was going to be done anyway, and it was the consensus of the Butte people that the office should be located there as well.

VICE CHAIR BROWN believed Chairman Matt was right in requesting an office in his area when the reclamation on the Upper Clark Fork would begin, because otherwise, it would be located in Helena.

CHAIRMAN JENT ascertained that the Sponsor had not requested an amendment, which **Ms. Heffelfinger** confirmed.

REP. DICKENSON referred to parts of the letter dealing with the collaboration between the tribes and certain agencies, which said the office should be centralized in Helena because responsibilities could be carried out more cost-effectively.

REP. MALCOLM saw definite problems with some of the bill's language, specifically where it described the duties of the Department of Justice with regard to reclamation of natural resource damage other than the Superfund site in Butte. He held that the bill required the office in charge to be located in Butte, no matter where the damage had occurred.

{Tape: 4; Side: A}

REP. HENDRICK concurred with REP. MALCOLM, adding he anticipated increased costs if the office was located in Butte as all the agencies involved in clean-up were in Helena.

REP. DICKENSON recalled that a Deer Lodge representative had testified against HB 616, despite the fact that there was an equal amount of degradation in their area. She stated it was not untypical for the Butte delegation to ask for a little more.

CHAIRMAN JENT stated he was remotely associated with the clean-up and would vote to keep the offices in Helena as it was the Attorney General's responsibility, and he was based in Helena.

Vote: Motion failed 5-11 by roll call vote with **REP. ANDERSEN**, **REP. BROWN**, **REP. EATON**, and **REP. MACLAREN** voting aye; **REP. A. OLSON** voted aye by proxy, and **REP. CAFERRO** voted no by proxy.

Motion: **REP. HENDRICK** moved that HB 616 BE TABLED AND THE VOTE REVERSED. Motion carried.

(**REP. CAFERRO** returned at 11:35 A.M.)

EXECUTIVE ACTION ON HB 241

CHAIRMAN JENT advised he was reconsidering the Committee's action on HB 241 which stalled in a tie vote on February 4, 2005; all that was required was a DO PASS motion.

Motion: **CHAIRMAN JENT** moved that HB 241 DO PASS.

Discussion:

CHAIRMAN JENT advised this bill was brought at the Governor's request as it dealt with the reorganization commission he had promised during his campaign. He reminded the Committee that at **REP. MALCOLM**'s request, the Committee had taken off amendments brought by **REP. WANZENRIED** and the Governor's Office, which left the basic organization of the commission, namely four senators, four representatives and the Lieutenant Governor. **CHAIRMAN JENT** asked that the bill be passed out of Committee for debate of the House floor, adding that while the Governor could achieve this by Executive Order, he wanted the Legislature to be part of the process.

REP. JONES asked whether the bill would die if it did not make transmittal, which **CHAIRMAN JENT** confirmed.

VICE CHAIR BROWN interjected that it could be brought to the floor with a Silver Bullet.

Ms. Heffelfinger was not clear whether a Silver Bullet could suspend the transmittal deadline.

VICE CHAIR BROWN advised twelve Silver Bullets were available throughout the Session; she added this was not a Revenue bill and

it would die by missing transmittal *unless* a Silver Bullet was used.

REP. JONES referred to the fiscal note; **CHAIRMAN JENT** advised the cost had been amended out of the bill.

Ms. Heffelfinger clarified that passage of the bill would not appropriate any money; this would have to be done through HB 2.

VICE CHAIR BROWN stated she would vote against HB 241 because she believed that the \$60 million had already been "found," namely through an audit report on vacancy savings. She suggested Committee members read the report, adding this bill was not necessary.

CHAIRMAN JENT noted that reorganization was not the same as vacancy savings. He used the Department of Health and Human Services (DPHHS) and attempts to eliminate duplication as an example.

REP. DICKENSON agreed, adding there was a human and societal cost attached to vacancy savings. This bill had potential in that it sought to eliminate waste and duplication.

REP. JACOBSON recounted Governor Anderson's reorganization in 1968 to 1972 which resulted in major changes in the way government conducted business. Governor Schwinden undertook a similar reorganization by which State employment actually dropped by two or three hundred people.

REP. CAFERRO advised she would vote for the bill as she was privy to government waste in her capacity as an advocate. She stated that despite the significant drop in the TANF (Temporary Assistance for Needy Families) case load from 17,000 families in 1996 to its current 4,500, nobody lost their jobs. She was in favor of someone taking a closer look at agencies to see whether some jobs had not become unnecessary.

Vote: Motion carried 9-7 by roll call vote with **REP. ANDERSEN, REP. BROWN, REP. HENDRICK, REP. JONES, REP. MACLAREN, and REP. MALCOLM** voting no; **REP. A. OLSON** voted no by proxy.

ADJOURNMENT

Adjournment: 11:45 A.M.

REP. LARRY JENT, Chairman

MARION MOOD, Secretary

LJ/mm

Additional Exhibits:

EXHIBIT ([sth40aad0.PDF](#))

HOUSE OF REPRESENTATIVES
Roll Call
STATE ADMINISTRATION COMMITTEE

DATE

2-18-05

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
REP. LARRY JENT, CHAIR	✓		
REP. VERONICA SMALL- EASTMAN, VICE CHAIR			
REP. DEE BROWN, VICE CHAIR	✓ 8:35		
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO	✓		
REP. SUE DICKENSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MacLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON			✓
REP. BERNIE OLSON	✓		



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 712** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 12, No 4.

401232SC.hkh

5/18/05
[Signature]



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 601** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 10, No 6.

401233SC.hkh

2/18/05
jhm



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 640** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 16, No 0.

401234SC.hkh

2/18/05
jbn



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 263** (first reading copy -- white) do pass as amended.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

And, that such amendments read:

1. Page 2, line 13.

Following: "agency"

Insert: "and the public service commission with respect to the department of public service regulation"

2. Page 2, line 20.

Following: "Procedure"

Insert: "-- nonapplicability"

3. Page 2, line 23.

Following: "not"

Insert: ": (a) "

4. Page 2, line 24.

Following: "informally"

Insert: "; or (b) apply to an act or action subject to a complaint resolution process provided for in law, contract, administrative rule, or written policy if the complaint resolution process is substantially similar to the process provided for in [sections 1 through 6]"

Committee Vote:

Yes 12, No 4.

2118
MP
401318SC.hkh

5. Page 3, line 6.

Strike: "90"

Insert: "45"

6. Page 3, line 7.

Strike: "90"

Insert: "45"

- END -



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 653** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 15, No 1.

401235SC.hkh

5/18/05
[Signature]



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 1

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 590** (first reading copy -- white) **do pass**.

Signed: _____

Larry Jent
Representative Larry Jent, Chair

- END -

Committee Vote:
Yes 16, No 0.

401236SC.hkh

2/18/05

glen



HOUSE STANDING COMMITTEE REPORT

February 18, 2005

Page 1 of 2

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 241** (first reading copy -- white) **do pass as amended.**

Signed: _____

Larry Jent
Representative Larry Jent, Chair

And, that such amendments read:

1. Page 1, line 15.

Following: "the"

Insert: "lieutenant"

2. Page 1, line 22.

Following: the first "The"

Insert: "lieutenant"

3. Page 1, line 24.

Following: the second "The"

Insert: "lieutenant"

4. Page 1, line 25.

Following: the first "the"

Insert: "lieutenant"

5. Page 1, line 27.

Following: the second "The"

Insert: "lieutenant"

6. Page 1, line 29 through line 30.

Strike: subsection (6) in its entirety

Committee Vote:

Yes 9, No 7.

401238SC.hkh

2/18/05
[Signature]

Renumber: subsequent subsection

7. Page 2, line 2.

Strike: "executive director and other"

Following: "commission"

Insert: "and"

8. Page 2.

Following: line 3

Insert: "(a) review proposals to improve the efficiencies of executive branch operations and to recommend the prompt implementation of those proposals that do not require legislative approval;"

Renumber: subsequent subsections

9. Page 2.

Following: line 12

Insert: "(10) The governor's office of budget and program planning shall provide the staff resources necessary for the commission to perform its functions."

10. Page 2, line 14 through line 23.

Strike: section 2 in its entirety

Renumber: subsequent sections

11. Page 2, line 26.

Strike: ", the executive director,"

Strike: "other"

Strike: "the"

12. Page 2, line 27.

Strike: "[sections 1 through 3]"

Insert: "[section 1] and this section"

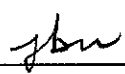
- END -

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED HB 558, HB 616, HB 644, HB 649, HB 655, HB 706, by motion, on Friday, February 18, 2005.

(For the Committee)



(Chief Clerk of the House)

12:25
(Time)

2/18
(Date)

February 18, 2005

Marion A. Mood, Secretary

Phone: 444-1864

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO HB 712 MOTION NO. 1

MOTION: OP

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓p	
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO		✓p	
REP. SUE DICKINSON		✓	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON	✓p		
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN	✓		

12 : 4

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. 10691 MOTION NO. 2

MOTION: np

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO		✓p	
REP. SUE DICKINSON		✓	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON	✓		
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN	✓		

8:8

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. 48558 MOTION NO. 3

MOTION: DP

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>If Proxy Vote, check here & include signed Proxy Form with minutes</u>
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO		✓	
REP. SUE DICKINSON		✓	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. HAL JACOBSON		✓	
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON	✓		
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

4 :12

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO HB 206 MOTION NO. 4
 MOTION: DP

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓ DP		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓ DP	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

6 : 10

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. HB 601 MOTION NO. 5
 MOTION: DP

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓p		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓p	
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN	✓		

10 : 6

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. 4531 MOTION NO. 6

MOTION: DP AR

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓p		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	⊗	✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓p		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓p	
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN	✓		

8 8

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. 263 MOTION NO. 6
 MOTION: DPAA

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO	✓p		
REP. SUE DICKINSON		✓	
REP. EMELIE EATON		✓	
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK	✓		
REP. TERESA HENRY		✓	
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES	✓		
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM	✓		
REP. ALAN OLSON	✓p		
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN	✓		

12 : 4

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO HB 616 MOTION NO. 4
 MOTION: DP

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR	✓		
REP. VERONICA SMALL-EASTMAN, VICE CHAIR		✓	
REP. JOAN ANDERSEN	✓		
REP. MARY CAFERRO		✓ p	
REP. SUE DICKINSON		✓	
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON		✓	
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY		✓	
REP. HAL JACOBSON		✓	
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN	✓		
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON	✓ p		
REP. BERNIE OLSON		✓	
REP. LARRY JENT, CHAIRMAN		✓	

5 : 11

HOUSE OF REPRESENTATIVES

Roll Call Vote

STATE ADMINISTRATION COMMITTEE

DATE 2-18-05 BILL NO. HB 241 MOTION NO. 8
 MOTION: DP

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. DEE BROWN, VICE CHAIR		✓	
REP. VERONICA SMALL-EASTMAN, VICE CHAIR	✓		
REP. JOAN ANDERSEN		✓	
REP. MARY CAFERRO	✓		
REP. SUE DICKINSON	✓		
REP. EMELIE EATON	✓		
REP. ROBIN HAMILTON	✓		
REP. GORDON HENDRICK		✓	
REP. TERESA HENRY	✓		
REP. HAL JACOBSON	✓		
REP. WILLIAM JONES		✓	
REP. GARY MACLAREN		✓	
REP. BRUCE MALCOLM		✓	
REP. ALAN OLSON		✓ P	
REP. BERNIE OLSON	✓		
REP. LARRY JENT, CHAIRMAN	✓		

9: 7

COMMITTEE PROXY

DATE: 2-18-05

I request to be excused from the State Admin. *

Committee because of other commitments. I desire to leave my proxy vote with:

Dee Brown

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 712	X	
HB 706		X
HB 655	X	
HB 601		X
HB 640	X	
HJR 31 amend.	X	
HJR 31 as amend.		X
HB 263 reconsider	X	
HB 263 amend.	X	
HB 263 as amend.	X	
HB 653		X
HB 649 table	X	

SENATE BILL/AMENDMENT AYE NO

HB 644 table	X	
HB 590	X	
HB 616	X	
" table	X	
HB 241		X

Rep./Sen. Dee Brown
(Signature)

COMMITTEE PROXY

DATE: 2/18/05

I request to be excused from the State Ad.

Committee because of other commitments. I desire to leave my proxy vote with:

Sue Rickerson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 712		X
HB 691	X	X
HB 558		X
HB 655		X
HB 601	X	
HB 640	X	
HJ 31 ^{strip} amendment	X	
HJ AA	X	
HB 263 amendment	X	
HB 263 ^{new} amendment	X	
HB 263 OK	X	
HB 590	X	

SENATE BILL/AMENDMENT AYE NO

HB 616		X

Rep./Sen. Mary Malena
(Signature)

COMMITTEE PROXY

DATE: 2/18/05

I request to be excused from the State Administration

Committee because of other commitments. I desire to leave my proxy vote with:

Veronica Small-Eastman

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HJ 31 amendment	X	
HJ 31 AA	X	
HB 263 ^{strip} Amendment	X	
HB 263 ^{new} Amendment	X	
HB 263 AA	X	

SENATE BILL/AMENDMENT AYE NO

Rep./Sen. Hal

(Signature)

COMMITTEE PROXY

DATE: 2/18/05

I request to be excused from the State Ad.

Committee because of other commitments. I desire to leave my proxy vote with:

Sue Rickanson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

HOUSE BILL/AMENDMENT AYE NO

HB 712		X

SENATE BILL/AMENDMENT AYE NO

Rep./Sen. Veronica Small-Eastman
(Signature)

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date 2-18-05

HB 558 - 593 - 601 - 655

Bill No. 691-706-712 Sponsor(s) _____

~~PLEASE PRINT~~

~~PLEASE PRINT~~

~~PLEASE PRINT~~

Name and Address	Representing	Support	Oppose	Inf.
Ronda Carpenter-Wiggers	MT Snowmobile Assoc	HB 655		
Ronda Carpenter-Wiggers	MT Cnty Trsrs Assoc		HB 593	
Harry Payne	City of Helena		HB 593	
Ted Clack	MT Magistrates		HB 593	
Mark Simonich	Secretary of State	HB 558 HB 712		
Madalyn Quelan	OPI		HB 593	
Daniel Ried	SAM		HB 593	
Gerdy Huggin	CPP			X
Jean Johnson	Mont Quail Hunters	601		
	Guides Assoc			
Eric Feever	MEA-MFT	#	HB 593	
John Blumquist	MT. Stuhpanes		HB 601	
Harold Bluffie	MA Co		HB 593	
Robert Throssell	MTA Assoc			
Robert Throssell	MT Wildlife Fed	SB 601	HB 655	
Connie Summers	ASMSO-B	HB 558		
RICK MATHIE	HD 2	HB 655		

Buchavitt

MMH

706

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

STATE ADMINISTRATION COMMITTEE

Date _____

Bill No. _____ **Sponsor(s)** _____

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name and Address	Representing	Support	Oppose	Inf.
Curtis Spindler	MT BASS Federation	HB 601		
Jean Curtiss	Missoula County	HB	HB 593	
Nike Randall	MTA / WESCO	HB 640		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: By **CHAIRMAN VICKI COCCHIARELLA**, on March 16, 2005
at 9:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Vicki Cocchiarella, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Duane Grimes (R)
Sen. Dave Lewis (R)
Sen. Glenn Roush (D)
Sen. Frank Smith (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jon Tester (D)

Members Absent: None.

Staff Present: Annie Glover, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 653, 3/11/2005; HB 647,
3/11/2005; HB 517, 3/11/2005; HB
427, 3/11/2005; HJ 16, 3/11/2005
Executive Action: HB 427, HJ 16, HB 223, HB 306, HB
567, HB 348

00:00:00

HEARING ON HB 653

Opening Statement by Sponsor:

REP. ARLENE BECKER (D), HD 52, opened the hearing on HB 653, Limit certain claims for Montana guaranty fund.

Proponents' Testimony:

00:03:11 Mr. Larry Kibbee, Property Casualty Insurance Association of America

00:05:54 Mr. Dwight Easton, Farmer's Insurance Group, also on behalf of Jacqueline Lenmark, American Insurance Association

Opponents' Testimony: None.

Informational Testimony: None.

00:07:28

Questions from Committee Members and Responses:

00:14:28

Closing by Sponsor:

00:15:15

HEARING ON HB 647

Opening Statement by Sponsor:

REP. SCOTT MENDENHALL (R), HD 77, opened the hearing on HB 647, Revise state contracting laws regarding custodial/janitorial services.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

00:18:19 Mr. John Andrew, Department of Labor and Industry

00:18:40

Questions from Committee Members and Responses:

00:27:43

Closing by Sponsor:

SEN. GRIMES will carry **HB 647** on the Senate Floor.

00:28:01

HEARING ON HB 517

Opening Statement by Sponsor:

REP. BRADY WISEMAN (D), **HD 65**, opened the hearing on **HB 517**,
Provide for issuance of a Montana distillery license.

EXHIBIT(bus58a01)

Proponents' Testimony:

00:36:39 **Mr. Mike Uda, Attorney**

EXHIBIT(bus58a02)

00:44:33 **Mr. George Ochenski, Montana Microdistillers
Association**

EXHIBIT(bus58a03)

00:49:18 **Mr. Sam Hoffman, Owner, Red Ales Brewing Company**

Opponents' Testimony: None.

Informational Testimony:

00:51:38 **Ms. Shauna Helfert, Department of Revenue**

00:53:51

Questions from Committee Members and Responses:

01:18:43

Closing by Sponsor:

01:20:16

HEARING ON HB 427

Opening Statement by Sponsor:

REP. WANDA GRINDE (D), **HD 48**, opened the hearing on **HB 427**,
Revise contributions to law enforcement group insurance.

Proponents' Testimony:

01:21:39 **Mr. Bill Dove, Montana Police Protective
Association**

01:22:19 **Mr. Jim Kembel, Montana Association of Chiefs of
Police**

Opponents' Testimony: None.

Informational Testimony: None.

01:22:46

Questions from Committee Members and Responses:

01:24:51

Closing by Sponsor:

01:26:42

EXECUTIVE ACTION ON HB 427

Motion/Vote: SEN. GRIMES moved that HB 427 BE CONCURRED IN.
Motion carried unanimously by voice vote.

01:27:30

HEARING ON HJ 16

Opening Statement by Sponsor:

REP. GEORGE GROESBECK (D), HD 74, opened the hearing on **HJ 16,**
Urge support for hypersonic wind tunnel in Butte.

Proponents' Testimony:

01:30:53 **Mr. Frank Cote, MSE Technology Applications
Incorporated**

01:34:22 **Mr. David Gibson, Governor's Office**

01:36:29 **Mr. Keith Allen, International Brotherhood of
Electrical Workers**

01:36:51 **Mr. Dwight Easton, Taxpayer**

01:37:25 **Mr. Dan Flynn, International Brotherhood of
Electrical Workers Local 44**

Opponents' Testimony: None.

Informational Testimony: None.

01:38:48

Questions from Committee Members and Responses:

01:41:16

Closing by Sponsor:

SEN. MANGAN will carry HJ 16 on the Senate Floor.

01:42:20

EXECUTIVE ACTION ON HJ 16

Motion/Vote: SEN. TASH moved that HJ 16 BE CONCURRED IN. Motion carried unanimously by voice vote.

01:43:25

EXECUTIVE ACTION ON HB 223

Motion: SEN. LEWIS moved that HB 223 BE CONCURRED IN.

Discussion:

Vote: Motion carried 6-4 by roll vote with SEN. BALYEAT, SEN. GRIMES, SEN. STEINBEISSER, and SEN. TROPILA voting no.

01:50:58

EXECUTIVE ACTION ON HB 306

Motion/Vote: SEN. ROUSH moved that HB 306 BE CONCURRED IN. Motion carried unanimously by voice vote.

01:52:24

EXECUTIVE ACTION ON HB 567

Motion: SEN. SMITH moved that HB 567 BE CONCURRED IN.

Motion: SEN. GRIMES moved that HB 567 BE AMENDED WITH HB056701.APM.

Discussion:

EXHIBIT(bus58a04)

SEN. GRIMES withdrew his motion.

Vote: Motion carried unanimously by voice vote. SEN. TROPILA voted aye by proxy.

02:13:33

EXECUTIVE ACTION ON HB 348

Motion: SEN. TASH moved that HB 348 BE CONCURRED IN.

Motion: SEN. COCCHIARELLA moved that HB 348 BE AMENDED WITH HB034802.APM.

Discussion:

[EXHIBIT](#)(bus58a05)

[EXHIBIT](#)(bus58a06)

Vote: Motion carried unanimously by voice vote.

Motion: SEN. TASH moved that HB 348 BE CONCURRED IN AS AMENDED.

Discussion:

Ms. Kristi Blazer, Montana Beer and Wine Wholesalers Association

Substitute Motion/Vote: SEN. ROUSH made a substitute motion that HB 348 BE TABLED. Substitute motion carried 6-4 by voice vote with SEN. GRIMES, SEN. LEWIS, SEN. STEINBEISSER, and SEN. TASH voting no. SEN. TROPILA voted aye by proxy. SEN. GRIMES AND SEN. STEINBEISSER voted no by proxy.

ADJOURNMENT

Adjournment: 11:00 A.M.

SEN. VICKI COCCHIARELLA, Chairman

ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

EXHIBIT ([bus58aad0.PDF](#))

MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

BUSINESS AND LABOR

DATE 3/16/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. VICKI COCCHIARELLA (D), CHAIRWOMAN	X		
SEN. JOE TROPILA (D), VICE CHAIRMAN	X		
SEN. JOE BALYEAT (R)	X		
SEN. DUANE GRIMES (R)	X		
SEN. DAVE LEWIS (R)	X		
SEN. GLENN ROUSH (D)	X		
SEN. FRANK SMITH (D)	X		
SEN. CAROLYN SQUIRES (D)	X		
SEN. DONALD STEINBEISSER (R)	X		
SEN. BILL TASH (R)	X		
SEN. JON TESTER (D)			X
PAT MURDO, LSD	X		
ANNIE GLOVER, COMMITTEE SECRETARY	X		



SENATE STANDING COMMITTEE REPORT

March 16, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 427** (third reading copy -- blue) **be concurred in.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Frank Smith

- END -

Committee Vote:
Yes 10, No 0.

581300SC.ssc

FX



SENATE STANDING COMMITTEE REPORT

March 16, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Joint Resolution 16** (third reading copy -- blue) **be concurred in.**

Signed: _____

A handwritten signature in cursive script, reading "Vicki Cocchiarella".

Senator Vicki Cocchiarella, Chair

To be carried by Senator Jeff Mangan

- END -

Committee Vote:
Yes 10, No 0.

581301SC.ssc

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SENATE STANDING COMMITTEE REPORT

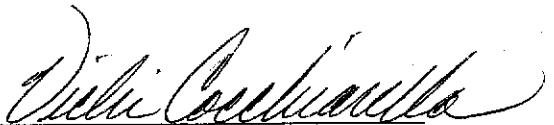
March 16, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 223** (third reading copy -- blue) **be concurred in.**

Signed:

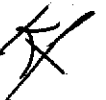

Senator Vicki Cocchiarella, Chair

To be carried by Senator Dave Lewis

- END -

Committee Vote:
Yes 6, No 4.

581302SC.ssc

Handwritten initials, possibly "KX", in the bottom right corner.



SENATE STANDING COMMITTEE REPORT

March 16, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 306** (third reading copy -- blue) **be concurred in.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Glenn Roush

- END -

Committee Vote:
Yes 10, No 0.

581303SC.ssc

KJ



SENATE STANDING COMMITTEE REPORT

March 16, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 567** (third reading copy -- blue) **be concurred in.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Duane Grimes

- END -

Committee Vote:
Yes 10, No 0.

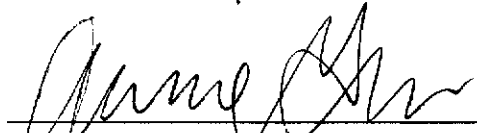
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K/

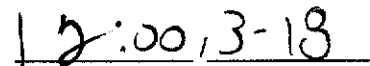
COMMITTEE FILE COPY

TABLED BILL

The **SENATE BUSINESS, LABOR, AND ECONOMIC AFFAIRS COMMITTEE** TABLED HB 348, by motion, on **Wednesday, March 16, 2005**.


(For the Committee)


(Secretary of Senate)


(Time) (Date)

March 18, 2005

Annie L. Glover, Secretary

Phone: 444-4762

BUSINESS AND LABOR

MOTION be concurred in

[illegible]

BUSINESS AND LABOR

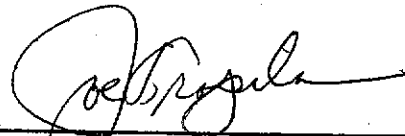
MOTION be ^{tabled} concurred in as amended

[illegible]

PROXY VOTE

I, the undersigned, hereby authorize Senator COCCIARELLA to
vote my proxy on any issue before the Senate BUSINESS & LABOR
Committee held on 3/16/, 2005.

HB 348 No - Table yes



SENATOR
STATE OF MONTANA

PROXY VOTE

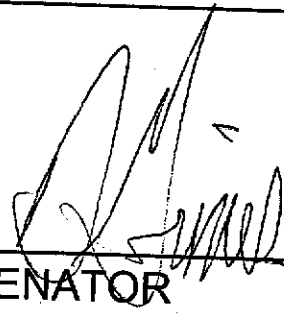
I, the undersigned, hereby authorize Senator Jash to
vote my proxy on any issue before the Senate Bus. Labor.
Committee held on 3/16/05, 2005.

SB 348 Y
Table motion

Don Steinbecker
SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Lewis to
vote my proxy on any issue before the Senate Business
Committee held on 3/16/05, 2005.



SENATOR
STATE OF MONTANA

BUSINESS AND LABOR

DATE 3/16/05 BILLS BEING HEARD TODAY HJ 16, HB 427,
HB 517, HB 647, HB 653

PLEASE PRINT[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: By **CHAIRMAN VICKI COCCHIARELLA**, on March 17, 2005
at 9:00 A.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Vicki Cocchiarella, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Duane Grimes (R)
Sen. Dave Lewis (R)
Sen. Glenn Roush (D)
Sen. Frank Smith (D)
Sen. Carolyn Squires (D)
Sen. Donald J. Steinbeisser (R)
Sen. Bill Tash (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: Sen. Jon Tester (D)

Members Absent: None.

Staff Present: Annie Glover, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 257, 3/14/2005; HB 270,
3/14/2005; HB 271, 3/14/2005; HB
481, 3/14/2005; HB 709, 3/14/2005
Executive Action: HB 481, HB 270, HB 257, HB 653, HB
709

00:00:00

HEARING ON HB 257

Opening Statement by Sponsor:

REP. GARY BRANAE (D), HD 54, opened the hearing on HB 257, Revise permissible term for personal service contracts.

EXHIBIT(bus59a01)

Proponents' Testimony:

00:04:15 Ms. Kathy Kenyon, Legal Counsel, Billings
Deaconess Clinic

EXHIBIT(bus59a02)

Opponents' Testimony: None.

Informational Testimony: None.

00:09:57

Questions from Committee Members and Responses:

00:16:52

Closing by Sponsor:

SEN. GRIMES will carry HB 257 on the Senate Floor.

00:17:59

HEARING ON HB 270

Opening Statement by Sponsor:

REP. MONICA LINDEEN (D), HD 43, opened the hearing on HB 270, Revise primary sector business workforce training program.

Proponents' Testimony:

00:21:41 Mr. Tony Preite, Director, Department of Commerce
00:22:46 Mr. Joe McClure, Director, Big Sky Development
Authority
00:24:13 Mr. Bill Kennedy, Yellowstone County Commissioner
00:25:07 Ms. Barbara Ranf, Montana Chamber of Commerce
00:25:22 Mr. Dick King, Montana Economic Developers
Association

00:26:23 **Mr. Gary Amestoy, Richland County Economic
Development Corporation**

00:26:50 **Ms. Jani McCall, City of Billings, Billings
Deaconess Clinic**

Opponents' Testimony: None.

Informational Testimony: None.

00:27:29

Questions from Committee Members and Responses:

00:33:52 **Mr. Andy Poole, Department of Commerce**

00:49:37

Closing by Sponsor:

SEN. MANGAN will carry **HB 270** on the Senate Floor.

00:52:44

HEARING ON HB 271

Opening Statement by Sponsor:

REP. MONICA LINDEEN (D), HD 43, opened the hearing on **HB 271**,
Workforce training supplemental appropriation.

Proponents' Testimony:

00:53:38 **Mr. Andy Poole, Department of Commerce**

00:54:31 **Mr. Dick King, Montana Economic Developers
Association**

All proponents from **HB 270** rose in support of **HB 271**.

Opponents' Testimony: None.

Informational Testimony: None.

00:56:21

Questions from Committee Members and Responses:

01:16:22

Closing by Sponsor:

01:16:57

HEARING ON HB 481

Opening Statement by Sponsor:

REP. MONICA LINDEEN (D), HD 43, opened the hearing on **HB 481**,
Create main street program.

Proponents' Testimony:

01:20:03 **Ms. Chere Jiusto, Executive Director, Montana
Preservation Alliance**

EXHIBIT(bus59a03)

EXHIBIT(bus59a04)

EXHIBIT(bus59a05)

01:25:30 **Ms. Sarah Hansen, Mountain Plains Trust for
Historical Preservation**

01:29:04 **Mr. Alec Hansen, Montana League of Cities and
Towns**

01:33:01 **Mr. Arnie Olson, Director, Montana Historical
Society**

EXHIBIT(bus59a06)

EXHIBIT(bus59a07)

01:34:10 **Ms. Jani McCall, City of Billings**

01:34:57 **Ms. Gary Amestoy, Richland Economic Development
Corporation**

01:37:09 **Mr. Dick King, Montana Economic Developers
Association**

01:38:14 **Mr. Tony Preite, Director, Department of Commerce,
Governor's Office of Economic Opportunity**

Opponents' Testimony: None.

Informational Testimony: None.

01:39:48

Questions from Committee Members and Responses:

01:57:20

Closing by Sponsor:

01:59:35

EXECUTIVE ACTION ON HB 481

Motion/Vote: SEN. SQUIRES moved that HB 481 BE CONCURRED IN.
Motion carried unanimously by voice vote.

02:01:59

EXECUTIVE ACTION ON HB 270

Motion: SEN. SQUIRES moved that HB 270 BE CONCURRED IN.

Discussion:

SEN. SQUIRES withdrew her motion.

02:02:55

EXECUTIVE ACTION ON HB 257

Motion: SEN. TROPILA moved that HB 257 BE CONCURRED IN.

Discussion:

SEN. TROPILA withdrew his motion.

Discussion:

02:05:51

EXECUTIVE ACTION ON HB 653

Motion/Vote: SEN. BALYEAT moved that HB 653 BE CONCURRED IN.
Motion carried unanimously by voice vote.

Substitute Motion/Vote: SEN. TROPILA made a substitute motion that HB 653 BE TABLED. Substitute motion failed 4-6 by roll call vote with SEN. COCCHIARELLA, SEN. ROUSH, SEN. SQUIRES, and SEN. TROPILA voting aye.

02:14:07

HEARING ON HB 709

Opening Statement by Sponsor:

REP. HOLLY RASER (D), HD 98, opened the hearing on HB 709, Revise chiropractic legal panel laws.

Proponents' Testimony:

02:14:34 **Ms. Mary Lou Garrett, Director, Chiropractic Legal
Panel**

02:15:40 **Mr. Mark Staples, Montana Chiropractic Association**

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

02:16:18

Closing by Sponsor:

SEN. SMITH will carry **HB 709** on the Senate Floor.

02:17:17

EXECUTIVE ACTION ON HB 709

Motion/Vote: **SEN. SMITH** moved that **HB 709 BE CONCURRED IN.**

Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 11:00 A.M.

SEN. VICKI COCCHIARELLA, Chairman

ANNIE GLOVER, Secretary

VC/ag

Additional Exhibits:

EXHIBIT ([bus59aad0.PDF](#))

**MONTANA SENATE
2005 LEGISLATURE**

ROLL CALL

BUSINESS AND LABOR

DATE 3/17/05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. VICKI COCCHIARELLA, CHAIRWOMAN	X		
SEN. JOE BALLYEAT	X		
SEN. DUANE GRIMES	X		
SEN. DAVE LEWIS	X		
SEN. GLENN ROUSH	X		
SEN. FRANK SMITH	X		
SEN. CAROLYN SQUIRES	X		
SEN. DONALD STEINBEISSER	X		
SEN. BILL TASH	X		
SEN. JON TESTER			X
SEN. JOE TROPILA	X		
PAT MURDO, LSD	X		
ANNIE GLOVER, COMMITTEE SECRETARY	X		



SENATE STANDING COMMITTEE REPORT

March 17, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 481** (third reading copy -- blue) be concurred in.

Signed: _____

A handwritten signature in cursive script, reading "Vicki Cocchiarella".

Senator Vicki Cocchiarella, Chair

To be carried by Senator Bill Tash

- END -

Committee Vote:
Yes 9, No 0.

591152SC.sjo

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SENATE STANDING COMMITTEE REPORT

March 17, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 653** (third reading copy -- blue) be concurred in.

Signed:

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Vicki Cocchiarella

- END -

Committee Vote:
Yes 9, No 0.

591151SC.sjo

Kf

ROLL CALL VOTE

DATE 3/14/05 BILL NO. HB 453 NUMBER _____

[illegible]



SENATE STANDING COMMITTEE REPORT

March 17, 2005

Page 1 of 1

Mr. President:

We, your committee on **Business, Labor, and Economic Affairs** recommend that **House Bill 709** (third reading copy -- blue) **be concurred in.**

Signed: _____

Vicki Cocchiarella
Senator Vicki Cocchiarella, Chair

To be carried by Senator Frank Smith

- END -

Committee Vote:
Yes 10, No 0.

591153SC.sjo

KF

**MONTANA STATE SENATE
2005 LEGISLATURE**

VISITOR REGISTER

BUSINESS AND LABOR

DATE 3/16/05 BILLS BEING HEARD TODAY HB 257, HB 270
HB 271, HB 481, HB 709

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Kathy Kenyon	238-2808	Deaconess Billings Clinic	HB 257	X	
MARK BAUMER	444-7715	MONTANA HISTORICAL SOCIETY	HB 481	X	
Mary Lou Garrett	442-2674	Chiropractic legal panel	HB 709	X	
Barbara Rant	442-2405	MT Chamber	HB 270 HB 271	X	
Joseph McCLURE	256 6871	BIG SKY EPA	HB 270 481	X	
Jani McCall	670-3084	City of Billings	270, 271	X	
" "	"	Deaconess Bldg Clinic	257, 270	X	
Ronda Carpenter-Wiggers	899-6059	Grt Fls/Helena Chambers	270, 271	X	
DICK KING	728-3337	MT. ECONOMIC DEVELOPERS ASSN.	270, 271 481	X	
Chere Justo	451-2822	MT Preservation Alliance	HB 481	X	
Sarah Hapfen	303-623-1504	National Trust for Historic Preservation	HB 481	X	
Gregg Hapfen	841-2732	Commerce	270, 271	X	
Tim Allen	442-1911	MT. HOSPITAL ASSOCIATION	HB 257	X	
Bill Kennedy	256-2701	Yellowknife Co.	HB 270, 271	X	
Raley Johnson	443-3797	WFSB	HB 270 271	X	
" "	"	"	271	X	
ARNIE OLSON	444-7715	MT. HIST. SOCIETY	HB 481	X	
Alan Hansen	442-8768	College	481	X	
Andy Pohl	HB 270	Commerce	HB 271	X	
Tony Preitz		Commerce	HB 270 HB 481	X	
Gary Amosby	413-8370	Bozeman Economic Development Corporation	HB 270 HB 271 HB 481	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY